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The Office for Harmonization in the Internal Market: Creating a 21st Century Public Agency

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Introduction

President Wubbo de Boer and his department directors, his top management team, prepared for critical meetings of the Administrative Board and the Budget Committee in the winter of 2010. The European Union's trademark and design registration agency in Alicante, Spain, grandly named the Office for Harmonization in the Internal Market (Trade Mark and Design) (OHIM), had exceeded all expectations for the establishment of the Community trade mark (CTM) and the Registered Community design (RCD). The new agency also could be proud of impressive achievements in productivity and transparency since it began registering trademarks in 1996. Through productivity gains, the agency had reduced the fees companies paid to register trademarks and designs by about 50 percent between 1996 and 2009. Through innovative use of e-business tools and web-based information, for more than a decade OHIM managers and staff had worked to transform and simplify the processes used to examine and register trademarks and designs, completely automating many steps in these processes. They had provided powerful information tools for their "users," OHIM's term for the individuals and firms that interact with the agency, and for internal OHIM examiners to increase efficiency and reliability of decision making. They had surveyed users and worked closely with them to develop performance measures and service standards that would in turn challenge OHIM to continuously improve its service in terms of timeliness, quality and accessibility. They had even challenged deeply held attitudes and norms of the permanent civil service by building flexibilities including telework into workforce practices in Alicante and by efforts to rigorously examine working methods to improve productivity.

Yet many of their principal stakeholders seemed uninterested in—in some cases, opposed to—these developments. Each Member State in the European Union (EU) had its own national trademark and design registries and relied on fees to support its own national agency. Some Member States perceived the CTM and RCD to be sources of competition to national trademarks and designs. Some of the newer EU Member States had trademark and design registration offices whose revenues went directly to the state budget; thus those agencies exercised little budgetary authority or autonomy. Fee reductions for the CTM faced fierce opposition because lower fees were viewed as making the CTM even more competitive. Moreover, a steep economic downturn in Europe beginning in late 2008 exacerbated tensions as states sought revenue. (Exhibit One shows trademark applications by selected Member States and OHIM.) The European Commission (EC) was responsible for the delicate task of balancing national and Community interests as it sought to deepen harmonization.

Professor Jane Fountain, Associate Professor Raquel Galindo-Dorado, and Jeffrey Rothschild, NCDG Undergraduate Fellow, prepared this case for the purpose of class discussion. Michelle Sagan Gonçalves and Cristina García offered valuable assistance. The case study is not an endorsement, evaluation, or illustration of effective or ineffective public management. The authors gratefully acknowledge the generous time and effort of those experts and senior civil servants who agreed to be interviewed.

The chief governance bodies overseeing OHIM, the Administrative Board and the Budget Committee, were highly anomalous for a Commission agency. Their design reflected compromises made to balance the interests of Member States and the Commission. The Administrative Board was comprised of representatives from each of the 27 Member States, each of whom had a vote on policies affecting OHIM (see Exhibit 2). The size alone of the Administrative Board was unwieldy. That Administrative Board members largely came from the intellectual property (IP) offices of their countries resulted in conflicts of interest and tensions that might have been lessened if members represented relevant ministries instead of national IP offices. Yet it was no secret that the early design of OHIM's governance bodies was meant explicitly to limit what Member States viewed as possibilities for "interference" from Brussels in the ability of OHIM to function autonomously. Oddly, the Commission had representation in OHIM governance bodies, but lacked a voting role, which was problematic for a Commission agency. An evaluation report of EU decentralized agencies issued in December 2009 stated that "the agency was established with an uncommon double governance system ... A conflict of interest issue appears as the Member States come from national trade mark offices and not from policy making bodies (ministries)."¹ Yet OHIM was not alone in having an unusual governance structure; many of the relatively young Commission agencies demonstrated anomalous governance models that would have to be refined over time as the governance of the European Union matured.

Intermediaries, too, were ambivalent about OHIM's achievements in productivity and streamlining, particularly when these led to fee reductions. Intermediaries, the firms that provided consulting and support to individuals and companies to manage their brands, were responsible for 90 percent of the trademark processes handled by OHIM. They charged fees to the firms they represented based on a proportion of the fees charged by governments. Their business was built, in part, on guiding their customers through the red tape and complexities of government processes. A low cost, streamlined, user friendly trademark system would affect their business model.

OHIM had received permission from the Commission to reduce the fees to register a CTM twice, with the first reduction agreed to in May 2005. A second fee reduction of about 40 percent was agreed to, after protracted discussions and political wrangling, in May 2009 which would decrease the cost of registering a CTM from €1,600-1,700 to about €900. In less than five years the cost of the CTM was halved from slightly more than €2,000 to less than €1,000. The fee reductions had been vigorously pursued by OHIM because striking productivity gains had resulted in a substantial fee surplus, which, without fee reductions, was likely to continue to grow each year. Fees are set by the Commission, which requires a majority of Member States to vote in favor of a fee reduction to make a change. Member States had found it easy to block fee reductions even as about €80 million in profits each year for 2007 and 2008 was accumulating.

The May 2009 formalization by the Commission of an agreement forged in September 2008 was reached through a series of compromises. Member States negotiated the initiation of a "Cooperation Fund" of €50 million to be used collaboratively by OHIM and national offices to promote modernization of the trademark and design system. They also voted to require that half the revenues from trademark renewal fees paid to OHIM be shared equally with the Member States, thus producing a stream of revenue that would continue in the future. The EU evaluation report of decentralized agencies called the compromise "far from efficient" and reflective of "a governance system in which the balance of powers does not

¹ "Evaluation of the EU decentralised agencies in 2009," Final Report (December 2009), Volume III, Agency level findings, p. 215.

reflect that of the needs what have to be addressed.” Moreover, even after these measures had been painstakingly negotiated a budget surplus of nearly €400 million remained.

In May 2007, the Council of Ministers requested the Commission to order an in-depth study of the European trademark system. A team of specialists based at the Max Planck Institute was selected through a competitive process to undertake the wide-ranging study and would present their results during the spring of 2010, at about the time that the next president of OHIM would be selected. The recommendations of the evaluation were likely to influence EC trademark legislation and the coexistence of OHIM with national trademark offices for years to come.

OHIM

What is a trademark? The brands iPod™, MasterCard™, Altoid™, and Rolling Stones™ are registered trademarks: a word, phrase, symbol or figure used by companies to identify and distinguish their goods and services from those of others. Organizations protect and manage their brands using trademark registration systems. Designs, too, may be protected. Trademarks and designs, along with patents, may be registered and protected as IP. This legal protection supports innovation and creativity as well as competition in market systems. For example, a trademark for the name and design of the iPod™, provides Apple with the assurance that the unique identity of its product will be protected. This assurance encourages innovation and investments in research and development.

In the EU, trademarks may be registered at several levels of governance: at the national level, through national offices within each of the Member States, at the regional level in some instances, at the Community level and at the international level through the World Intellectual Property Office (WIPO) in Geneva. Created in 1993 by European law, OHIM’s legal mandate is to strengthen the internal market of the EU by working to lower and, when possible, to remove barriers to “the free movement of goods and services.” The CTM and the RCD provide protection for IP rights as commercial activities have adapted to the scale of the EU. The agency became operational in 1996 and was given responsibility for Community design in addition to trademarks in 2003. OHIM is a “unitary connector;” a trademark or design from OHIM offers protection in all 27 EU Member States. The CTM makes it possible to register once, to pay one fee, and to manage a trademark or design in one language. In theory, a CTM implies that a trademark or design does not need parallel protection by way of a national registration in a Member State, although this and other issues related to territoriality and genuine use remain to be contested in law. The CTM has affected national offices in complex ways, although most offices have viewed the CTM as a vehicle in competition with the national trademark.

OHIM is led by a president, a vice president and the president of the boards of appeal, each of whom serve for a five-year term with the possibility of a one-term renewal. (Exhibit 3 provides the OHIM organization chart.) The agency is under the legal authority of the Commission and is bound by EU rules concerning employment and by EU regulations on trademark and design. Any changes in OHIM regulations are undertaken by the Commission and the European Council. In addition to the formal members of the Administrative Board and the Budget Committee noted above, representatives from WIPO and the Benelux Office for Intellectual Property have participated in meetings of the Board as observers since 1995. In 2009, representatives from five major user associations—the International Trademark Association, the Association of European Trade Mark Owners, the European Communities Trade Mark Association, BUSINESSEUROPE, and European Brands Association—were invited for a two-year term to participate as non-voting observers to board meetings.

Internally, in addition to the OHIM president and vice president, the OHIM Management Committee provides agency leadership and consists of department directors in Intellectual Property Policy, Trademark, Cancellation and Litigation, Human Resources, Information Technology, Finance, Institutional Affairs & External Relations, General Services and Quality Management. Large OHIM departments have middle management layers to oversee units and teams. In the Trademark Department, for example, there are 250-270 employees. The Management Committee meets twice monthly. The president meets regularly with department directors.

In 2009, revenue accruing from the operation of the office amounted to €224 million. Optional search reports brought in €728,000. A balance of €13 million was carried over from the previous fiscal year. Total expenditures in 2009 were €338 million, leaving €727 million in surplus. (The OHIM budget is presented in Exhibit 4.) This persistent and growing budget surplus was a source of embarrassment for a public fee-for-service agency because it indicated that fees were not aligned with operating costs as stipulated by law.

A New Agency for the Community Trade Mark

Paul Maier, president of the OHIM Boards of Appeal, began his tenure at the agency in 1995 as special assistant to the OHIM president. A civil servant for nearly 23 years, he previously served in the EU Commission as part of a team of policy experts preparing, among other activities, for the Uruguay Round. Maier joined OHIM because he viewed the CTM as “a huge leap forward” and OHIM itself as “a great adventure.” He recalls that OHIM had 23,000 applications on the first day that CTM applications were permitted.

Maier experienced firsthand the “chaos” at the beginning of OHIM’s operational existence when the CTM was first launched. Staff had no ability to estimate how many applications the new agency was likely to receive. He recalled:

At the outset we thought that if we got 15,000 applications in the first year, it would be a big success. All the fees and how much to charge were sheer guesswork. We thought 250 people would be needed based on our national experience in the late 1980s and early 1990s. Productivity was not on the screen. Vague ideas were all we had.

To their shock, OHIM managers found that the initial volume of CTM applications during the first year would be 43,000, a number that was overwhelming to the operational and technical capacity of the agency at that time.

At the beginning ... even the president was opening letters. Faxes were going to the central office of the Lord Mayor of Alicante and to the grocery store down the street ... the idea from the first was e-filing, but there wasn’t the technology.

Vincent O’Reilly, Director of the Department for Intellectual Property, remarked: “What drove us was the horror at the beginning when we were simply overwhelmed. People just wanted to perform better. It leaves you with a legacy. Happily IT [information technology] has helped us perform better.”

Maier also recalled the tension within national IP offices, which did not want to give control of IP to the integrating unit, the Commission, when governance of OHIM was being developed. The first president of

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OHIM had been Director General of the French IP office for 13 years before assuming the OHIM presidency. Tensions existed as well between broad support of national government administrators for the importance of the European Union and strong resistance to the specific step of ceding control of OHIM budget and operations to the European Commission. Thus, from the beginning, the composition of the Administrative Board gave power to national offices relative to the Commission. These tensions continue to this day and have re-emerged as the agency moves to elect its third president.

Pedro Rodinger was OHIM's first finance director. The agency had a keen desire to move away from subsidies from the Commission in order to become financially autonomous. He recalled that "In 1996 there were more than 40,000 trademark applications, but we did not have money until we invoiced. The building had to be financed, and we didn't even know where the money would come from." But by 1997, OHIM was supported by fees related to the CTM and had no reason to request funds from the Commission. Yet the only control the Commission had over the agency due to its governance structure and the composition of the Administrative Board was financial.

Maier recalled the early days of strong upward growth in CTM applications. "The first team thought that trademark applications would always go up. They had 20 years experience. They never imagined 2001." Juan Ramón Rubio, Director of the Trade Marks Department, arrived at OHIM in 1998 and recalled that at that time the perception was that the organization would deal with its increasing workload by increasing staff. In other words, they would assume that the processing speed for trademark applications and other processes was fixed. Detlef Schennen, Chairperson of the Fourth Board of Appeal, who has been at OHIM since its early days, added that "National offices could fall back to paper if [their IT systems] failed. We did not have that possibility. We had no tradition to fall back on." Maier noted that from the beginning, in 1995, the management team decided to develop a paperless office. He recalled that a team of specialists from OHIM were sent to visit the European Patent Office to learn about their file processing system. OHIM adopted this system with adaptation for their needs as the first file processing system.

Maier recalls: "The way fees were set initially was pure guesswork. No one had any precise idea. We came up with 2,075 Euros. We received 10 to 20 new people per month for the first two years. They came in and started working. We only wanted to keep our head above water ..." Later, Maier was put in charge of OHIM's response to European Union enlargement, responsible for the incorporation of several new countries into the EU and thus to the CTM and design systems. He remembers beginning with draft legislation, followed by process mapping and financial analysis which was actually presented to the Administrative Board. This was the first time OHIM had the luxury of analysis based on knowledge of its processes.

In 1999, after three years of operation, OHIM's first president, Jean-Claude Combaldieu, celebrated completion of the construction of OHIM's first building and, more importantly, a dramatic 30 percent increase in trademark applications over the previous year for an annual total of 41,200 applications. The language of the OHIM annual report that year was ebullient:

The breakthrough achieved by the Community trade mark has been consolidated. It has become an essential tool for businesses seeking protection across the European single market ... This strong growth looks set to continue ... The Office's strong point has been its ability to match this growth with human and technical resources in the context of a decentralized, and therefore, flexible, administrative environment ... There is no longer any delay in procedures. A trade mark for which there are no grounds for refusal is published after five to six months and registered in less than a year ... The

Examination Division ... is now regarded as having reached normal operating speed ... The Opposition Division has an excessive workload at current staffing levels. Staffing levels will have to be adjusted during 2000 ... The other procedures directly linked to trade marks have also achieved cruising speed.²

The summary of achievements in the annual report for 1999 continues:

This indisputable success has been accompanied by a very cautious human resources policy. It must be remembered that A and B grade staff in a trade mark office are very specialized. Moving to Alicante poses adaptation problems that are sometimes difficult to overcome for young people ... especially as regards their children's education. Despite these factors, the Office has managed to retain a stable staff of quality employees by offering them the prospect of permanent posts, but only after a relatively lengthy trial period with auxiliary and then temporary agent status. To date, 261 people have been awarded permanent positions out of a total of approximately 499 staff.³

The agency followed a seemingly unending growth path in terms of employment:

At the beginning of 1999, nine opposition units were operational. New units have been created on a regular basis, at the rate of one every two months. At the end of 1999, 14 units were in operation. An additional unit was created with two lawyers from the Cancellation Division working part-time for the Opposition Division. Recruitment has taken up a considerable proportion of the Opposition Division's workload. Forty new recruits took up posts within the Division in 1999. The staff at the end of the year consisted of 31 lawyers, 20 assistants and 33 secretaries, a total of 84 people.⁴

From Growth to Productivity

OHIM launched its first website, OAMI-Online, in October 1998 and began making its paper documents available online. The "paperless office" was already in evidence with EUROM, CTM-Download and CTM-Online providing first-generation electronic sources of information. But the information technology systems in 1998 and 1999 required staff to scan paper mail or faxes into digital form (although it soon became possible to import data sent via faxes directly into the system) and, throughout the examination process, to print, mail or FAX paper back to users or other entities. The volume of such work required many hands: "In 1999, approximately 1,400,000 pages were received, scanned and entered in Euromarc [the EU trademark filing system]." CTM-Online which "allows research and detailed consultation of applications for CTMs on the Internet," was developed in 1999 and consulted more than 12,000 times in December 1999 alone, one month after its release. CTM-Download, which allowed people at remote locations to download registration information, was used by national offices and intermediaries. In 1999, 25 subscribers used this system. CTM-Agent, providing online search of professional representatives and associations registered with OHIM, was introduced in 1999.

By 2008, nearly a decade later, OHIM reflected the dramatic technological changes that had transformed business and, to some extent, government in knowledge management, communications and analytical capacity enabled by the Internet and web. Organizational capacity, policies and structure were being reshaped at OHIM to streamline work internally and to deepen connections to the network of public,

² OHIM Annual Report, 1999, pp. 4-5.

³ *Ibid.*, pp. 5-6.

⁴ *Ibid.*, pp. 10-11.

private and not-for-profit organizations in the trademark and design system. By 2008, the annual report was available in multi-media form for the first time, and included videotaped interviews with managers, employees and partners. The number of OHIM staff had risen slightly to 705. OHIM saw a small downturn in the volume of CTM applications due to the serious financial downturn globally. In 2008 OHIM received 87,991 CTM applications, down only one percent from 2007. About 16 percent of these came through WIPO. By contrast, OHIM received nearly 60,000 applications in 2004 and 78,000 in 2006.⁵ In 2008, the agency registered trademark number 500,000—for a small Italian company—reinforcing symbolically the message that the office exists to help small and medium enterprises as well as large firms.

Managers at OHIM viewed the guiding vision for capacity and performance improvements as a virtuous cycle: Enhanced productivity and efficiency leading to improved working methods leading to higher productivity leading to growing financial surpluses. A key element of productivity growth was automation of previously labor-intensive, paper-based routine processes. (Exhibit 5 presents a flowchart showing the main steps in processing the CTM.) By 2006, it was clear, as the table below indicates, that users would file CTM applications online and that more Community design applications also could be processed online.

Table 1: Percent of Online Applications Filed by Year

Year	CTM e-filing	RCD e-filing
2004	21%	13%
2005	32%	19%
2006	72%	27%
2007	78%	33%
2008	83%	40%

By 2008, *The Economist* would report that “OHIM offers a streamlined, paperless operation and does much of its business online, keeping costs down and speeding up the processing of applications.”⁶ Although the innovative culture of OHIM, which by 2003 or so had come to emphasize performance management and customer service, typifies that of most high performance organizations, it remains unusual in many public agencies. How was this capacity and culture developed in a public monopoly? What was the path by which operational capacity and networked relationships with European and broader counterparts were reached?

Leadership for Change

Wubbo de Boer, a Dutch lawyer and civil servant became the second president of OHIM in October 2000. He brought to the task nearly 30 years of experience in the Dutch Ministry of Economic Affairs and in the Ministry of Transport, Public Works and Water Management, approximately 20 years of which were at the director general level. At OHIM, he encountered a relatively new agency charged with harmonization of the European internal market, something never before attempted in Europe and essential for building a European economy:

⁵http://oami.europa.eu/ows/rw/resource/documents/OHIM/statistics/statistics_of_community_trade_marks_2010.pdf

⁶ *The Economist*, “A money mountain,” March 8-14, 2008, p. 73.

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I came to an organization I did not know at all. What I knew I heard from the Dutch people on the Board here and the reading I could do through public sources. What happened to me is that I was received in an organization that was very recently created and had seen tremendous success in terms of public interest. Volumes of trademark applications were far higher than anyone ever expected. At the same time, the office was ambitious and proud, but also fairly inward looking because they had to constantly solve internal problems in production capacity to keep up with demand. I talked to an organization that had been acquainted with backlogs every year and so had some criticism from the user society. Actually, the belief was very strong among major players here that the organization had started to know how things should be working. They had been working with growth rates of 25 percent per year, and the belief was that this would go on forever. As a newcomer I was surprised with this, and I had my doubts. I had in the first four weeks many interviews with then management, which was completely different from what it is now, not only in structure but people. It was divided into two big chunks with two vice presidents and a lot of layers who reported up to vice presidents but who had no contact with each other. I'm not exaggerating that I felt very surprised and then worried about the strength of the beliefs and the strength of the thinking that this was a success story and would always go on growing.

During his first meetings, a recurrent message was that he need not worry about the daily operations, that his vice presidents would let him know if there were problems that required his attention. A second theme echoed by managers was that they were so busy trying to adapt the operations of a new organization to high levels of growth that they had “no time to think.” Working with an international consulting firm to conduct thorough internal and external evaluations, de Boer and his managers took the recommendations of the firm and set about to develop a more horizontal organization and to focus on the needs of users. They flattened the OHIM management structure by decreasing layers in the hierarchy. Moreover, they broke up silos—relatively autonomous units—by consolidating two large divisions, which had become warring factions, into one. Department heads became one management group, the Management Committee, to function as an executive team reporting directly to the president.

President de Boer made a decision early in his tenure that set OHIM on a distinct course as an EC agency:

One of the first things I did—not spectacular but fundamental and the determining factor—I decided to take people up on the belief that there should be more time to think, to create a Quality Management Department. It's not an original idea, but we formed a group of a number of people within the Office with the mission to try and understand what we were doing and to try and find out whether the things we were doing were based on fundamental analyses and choices. This was a good move because it created a point of reflection for many things to be said and thought that were not possible before: to do something that was fundamental. There was one person, who was the architect of the organization since the beginning. He organized the IT systems, the financial systems, who to recruit, how to recruit, lodgings. Users called him “the hidden president.” I asked him to head the small Quality Management Department. He accepted although he and many others thought—and this is very typical for the EU internal bureaucratic atmosphere—he thought this was a punishing action. It's a hyper bureaucratic reaction. I am glad, and he is, too, that he accepted. It was very successful. He selected two or three others from within the organization.

OHIM managers welcomed the opportunity to think systematically about the development of their organization. Andrea DiCarlo, the Director of Institutional Affairs and External Relations, recalled the shift in organizational focus:

When Wubbo arrived it was something quite different. He focused on the core business and was very keen to all the details of our operations ... One of the first things he did was promote a global assessment of the office and to create the Quality Management Department. This department was responsible for assessing and reviewing operations, the needs of human resources, and quantitative and qualitative targets that were in place. He achieved a global picture of what was happening at that time. People were happy because they felt that we needed to look carefully at daily operations.

Inevitably, in an organizational restructuring some managers lose power while others gain. And restructuring affects all levels of the organization. Staff began to realize that organizational and cultural changes would affect them as well as it became clear that the core strategy would shift from building capacity through growth to capacity building through productivity gains guided by simplification of processes and procedures, attention to user needs, careful measurement of performance and continued innovation using technology.

By 2000 the EU had decided upon enlargement, admitting more Member States beginning in 2004. This implied, on the one hand, that a CTM would become more valuable as it would have legal standing in a larger number of countries. On the other hand, EU enlargement put additional pressure on OHIM to grow its staff, something de Boer was loath to do:

First, the EU was on the brink of a substantial enlargement. By year 2000 this was already clear and being organized, although it only happened in 2004. It implied that we needed to upgrade internal skills and IT systems. It also implied that we needed to take in more people from those countries in order to fulfill a political logic but also to provide ourselves with language skills in the languages of these new countries. You are aware that we deal with trademarks in all 22 languages. This in itself was not a problem. We organized recruitment. But it put immediate pressure on the desire not to become too big. So in order to take in the 100 people from the new countries, we needed to make a place. We defined a staff policy that involved temporary contracts. That exacerbated the tension with staff that we had. Of course the technical implications of enlargement are interesting, but these did not bother us too much. We were able to handle it easily with a law that was drafted very skillfully. By adding another 100 million consumers of course the attractiveness of the CTM increased.

Flexibility and Performance Measurement

OHIM managers recalled that “massive recruitment” was required to jumpstart a new EC agency and to meet the operational demands imposed by the surprisingly high volume of CTM applications filed early on. Rapid growth in the use of the CTM exceeded all expectations. During the first five years of OHIM’s operations, from 1996 to 1999, people whose primary skill was in languages were recruited to enter data into the computerized file processing system, Euromarc, from applications that arrived at the agency by mail or FAX. Managers had the task of trying to retrain and redeploy permanent employees whose jobs had disappeared due to automation. Some of these employees feared the responsibility of making examination decisions. For others, the skills for which they were initially recruited could not be converted easily into the decision-making expertise of an examiner. Nevertheless, managers at OHIM planned that permanent employees, who would be likely to spend their working life at the agency, would learn all of the tasks associated with the examination process.

Staff policies at OHIM are governed by the regulations of the EU, which apply to all civil servants and agents from EU institutions and EU agencies. The working conditions of an EU permanent civil servant include 7 ½-hour work days, vacation, high flexibility and strong salary. Overall, it was an attractive

employment package. Etienne Sanz de Acedo Hecquet, one of OHIM's principal managers, recalled the initial ramping up period:

We recruited from all member states to comply with the European Dimension of the Agency and to deal with the diversity of applications. Many recruits were young and now the average age is 42/43. Retirement is at 65. Attrition rate and turnover in the Office are very low. There are few transfers to other EU Agencies with limited ones into private practice.

To align policies with the new strategy, recruitment and selection became more competitive. President de Boer decided to recruit through open procedures so that anyone in the EU could apply for the posts advertised. Although an EU agency could also use internal procedures to hire someone through an interview or testing process, then enter that person into a short-term contract of two or three years and convert an employee to permanent status, some OHIM employees who had entered through internal procedures were informed that they would have a renewal of their temporary contract but would have to compete through the open process to become a permanent employee.

Ignacio de Medrano Caballero, Deputy Director of the Department of Institutional Affairs and External Relations, reflects on the transition from the initial organization to its next stage of development:

Once we began to establish electronic work flows, we reorganized the office and staff policies to mesh with the new organization that was being created. There have been some tensions with the Staff Committee because at the beginning the policy was just to appoint civil servants but afterwards the operational demands of the office required different staff policies over time.

Using the "crisis" of the downturn in number of applications in 2001, OHIM managers decided that 20 percent of the staff would remain temporary EU employees with short-term contracts in order to preserve the flexibility needed to adjust employment numbers as the economic cycles dictated. The first short-term contract affords a three-year contract with the possibility of a two-year renewal. In most cases temporary employees would be recruited to bring particular skills to OHIM. François Femia, OHIM's Head of Sector Career & Development in the Human Resources Department, observed that "In terms of recruitment, this is probably the least popular decision taken by the office." During the early years of OHIM, recruitment efforts focused on lawyers and paralegals. The skill mix changed as e-business tools and use of large databases became embedded in the design of the examiners' work. Femia noted: "We need lawyers. But we need database specialists and IT specialists. The very nature of the profile has switched between a focus on legal skills to a profile which is now much more open."

From 2003 to 2009, the number of staff at OHIM barely increased. As late as 2002, 80 percent of trademark applications arrived by mail or FAX, requiring manual entry into Euromarc. By 2009 less than 20 percent of applications arrived through mail or FAX, and this proportion is expected to decrease further. About 30 of the data entry operators have been redeployed to other jobs in the organization, primarily through training in the examination process. Some employees would like to become full examiners. Others choose to focus on the administrative dimensions of the examination process. Over time, OHIM expects to redeploy another 30 staff as the skill mix and job requirements continue to change within the organization. Human resources managers identify tasks that are disappearing and plan proactively for retraining and redeployment of staff to other tasks. But part of the decision concerning redeployment is made by the employee. What are the motivations to "move out of the comfort zone," to give up telework in order to retrain for a new job and to take on new challenges?

In principal, it would not be difficult for most employees to become trained examiners. For example, staff who worked in the mail dispatch office were alerted that their jobs were going to be automated. The initial response was strong resistance to change, yet a handful of employees from the unit decided to enter a four-month training program and nearly all are now happy and ready to start a new task. Rubio outlined the approach taken:

The effort for doing this has been impressive. It required soft management, dialogue, convincing, and putting conditions to make sure they knew it was not risky for them. In other environments, you would have said, “Tough, this is what’s going to happen” ... It’s not a question of who is able, but who is willing. Still we are happy with this exercise because these are people who were considered low profile and have proved that they can do more challenging tasks.

The management team promised in 2001 that employees would receive 12 days of training a year, an unprecedented investment compared to other EC agencies, and they have held to that promise. Internal mobility of staff and strong investment in training are human resources policies in use at OHIM designed to align with the agency’s strategy of continuous improvement. François Femia, explained the link to OHIM strategy:

One of the main pillars was to put in place an enormous training program. The president of the office wanted about three to five percent of work time to be spent in training. In 2002-2003, when the president wanted to change an aspect of the office, he used training. Almost any new idea coming from the Quality Management Unit, providing novelty, came out from a training activity and was supported by training. We invest one million euros a year in training, which is an enormous amount of money. This covers IP training, operational aspects, high-level conferences in the domain of IP, languages, information technology, and management. Ninety percent of the training is face to face.

Like most civil servants, OHIM staff have a salary scale that consists of multiple steps and grades. An automatic increase in salary, linked to seniority, is given every two years. One’s grade, however, is linked to merit, or performance. A change of grade is, in fact, a promotion but typically results in a salary increase of less than five percent. Assistants are graded from one to 11; administrators range from grade five to 16.

Performance appraisal, too, was aligned with OHIM’s strategic objectives. In 2004 OHIM managers established performance targets, or objectives, for each individual employee for each 12-month period. By introducing performance objectives into the appraisal process—as well as into the organizational culture—the notion of targets became salient throughout the organization. Femia notes: “Each examiner knows they have to examine a certain number of trademarks during the 12-month period. We also put in quality criteria, with quality checks of the decisions taken.”

Telework

The initial motivation to introduce telework at OHIM was trivial. There simply was not enough space in the building for all the employees. But building on this simple recognition, a deeper discussion ensued. What might be benefits for the staff if a telework project could be implemented? And what might be benefits for the agency? OHIM human resource managers undertook a benchmarking exercise to explore telework options, but found few exemplars among public administrations in Europe. In the private sector, the firm Schlumberger was quite advanced in teleworking policies, but the nature of the telework there was not linked to teams within the firm. OHIM wanted to keep the collective nature of its task structure

and organization. Femia recalled: “We wanted to see what could be defined as a telework job and make a screening in the office to see how many jobs would be suitable. We found a quite higher number of jobs would be suitable.” The Office launched a pilot and asked for volunteers. The pilot was carefully constructed and lasted for one year in order to monitor a range of variables. In addition, strict security requirements had to be worked out to protect files, transmissions and data. “If a hacker could find a design and put it in the market before the holder of a design, the economical prejudice could be immense.” It was decided that the servers would remain in the office, and teleworkers would have only a connection to the office where data is stored in a central repository. OHIM tried to find people for telework who were already high performers. Today OHIM has 141 staff teleworking, about 90 of these telework full time. The rest work part time, most at 50 percent time. Performance measures and user surveys track accessibility and other customer service measures of quality. To date, the measures have been satisfactory.

OHIM’s commitment to the local economy surrounding Alicante and the practical need for teleworking staff to participate in office meetings when necessary means that teleworkers should not be located outside the immediate region. The clear performance targets at OHIM are central to monitoring productivity of teleworkers, whose main location is home rather than the office. Given the automated systems in place and the shared data and files used in examination processes, the work of each employee is transparent.

The Staff Committee reacted highly positively to the telework initiative. Sixty percent of the staff at OHIM are women, often with young children. Telework allows for management of time between work and family. Femia noted: “We had a joint committee looking at the issue and they have been very productive in giving ideas. It’s unusual to have such positive and proactive involvement in the process. They are committed to finding the best solutions for staff.” Seventy to eighty percent of the teleworkers are connected to the core business. Telework, according to Femia, “is a huge source of motivation for staff, probably more than a salary increase.” When staff are asked to redeploy due to advancements in technology at OHIM, Femia has noticed that the first criteria for accepting a redeployment is usually telework; the nature of the new task is secondary.

Creating External Pressure to Improve Performance

Why and to what extent should a public agency seek productivity gains? As a public agency and a monopoly, OHIM could not rely on competition to create pressure for continued improvement. How would the agency resist becoming a sleepy bureaucracy registering trademarks in a pleasant coastal city on the Mediterranean Sea? Wubbo de Boer presented the paradox faced by OHIM: “Significant change is the product of external criticism. This has not been the case here.” Juan Rubio elaborated further:

We are a public service. We have no major forces in our environment that oblige us to improve. Still, we need not to lose how business is done in the private sector. We can’t lose the Internet, automation, or possibilities of outsourcing. All of these possibilities are obligatory to private firms. We must follow, not to survive, but to give good service to our users and to use their money well. It’s a challenge because if no one is forcing you to do so, why complicate your life? Externally, some of the users love paper, phone and FAX. Why adapt our working methods to match the private sector? I’m convinced that finally our users will require these methods of us. It’s our obligation to be ready for this moment.

Unfortunately, we don't see clearly a big pressure for these indicators to be reduced or improved. Once you reach a certain level, gaining time seems not so important for some users. We however consider that timeliness is still important. We don't need these targets in order to survive in our competition; it is to maintain tension within our office.

User Satisfaction as a Metric for Performance

OHIM conducted its first web survey of users, in the five languages of the agency, in 2005, publishing the results in 2006. The agency has continued to survey users annually and to report the results publicly.⁷ The 2005 survey was sent to all entities that dealt with OHIM in the previous 18 months; for each following year, surveys are emailed to those who have interacted with OHIM during the previous year.⁸ The survey results separated perceptions of agents (intermediaries) from proprietors (firm owners who deal directly with OHIM). Although only eight percent of the survey respondents were agents who are "heavy" users of OHIM (meaning that they filed 50 or more CTMs during the past year), those agents file 76 percent of the total CTMs processed by OHIM and, overall, agents file about 90 percent of all CTMs. By contrast, while 41 percent of the total number of respondents were proprietors who use OHIM lightly (meaning that they file only one CTM), this group files less than one percent of all CTMs.

The 2005 survey results indicated a higher level of satisfaction, in general, on the part of agents versus proprietors. The "global image" of OHIM in terms of quality of service, professionalism and seriousness were its key strengths. In fact, evaluations of the staff were consistently high across both proprietors and agents. During the first survey, users identified flexibility and transparency as OHIM's key weaknesses. While they reported that they highly valued the "completeness of information provided by the OHIM," they were least satisfied with "'Simplicity in obtaining adequate information,' 'Ease of identifying the right person to contact,' and 'Speed of reply to enquiries.'"⁹ Notably, the analysis found that proprietors reported low levels of satisfaction with the information and communication dimensions of service. This is not surprising given the learning curve one must climb to learn a new set of e-business tools and interfaces on the web. Overall, the "completeness of content" and "range of services available" on the website were viewed as key strengths while the clarity of content, website structure and "speed of navigation" were reported as weaknesses.

Regarding the CTM, the 2005 survey results indicated:

In the area of Community trade mark applications, all the aspects of relatively high importance are found in the quadrant of strategic weaknesses, both among agents and among proprietors. In this case, the greater differences between both groups have more to do with the importance of the aspects than with the evaluations received.

For the agents, 'Clarity of the decisions' and 'Coherence of the examiners' decisions' occupy the highest places in terms of importance, while for the proprietors it is the 'Completeness and depth of the grounds for the decisions' which is the most important aspect.¹⁰

⁷ OHIM User Surveys and results are available on the OHIM website at <http://oami.europa.eu/ows/rw/pages/QPLUS/USS.en.do>

⁸ OHIM contracts with GfK Emer Ad Hoc Research to conduct and analyze the annual survey of users.

⁹ 2005 OHIM User Survey report, Executive Summary, p. 8.

¹⁰ *Ibid.*

Ingrid Desrois, former Director, Trademarks, for Europe, Africa and the Middle East for Procter & Gamble Company, and current OHIM special adviser, assisted with the design of the survey and reflected on its results:

I personally believe that the first survey, even though everyone in Alicante was surprised, gave a relatively true picture of how people felt about the office at the time – especially considering that most people will forever remember a negative experience ... They had just started to implement lots of changes, but there was still room for improvement. [As a result] OHIM put in place processing time targets, established a service charter and generally changed their approach to file management. Users and OHIM [employees] started to change their attitude. One of the big complaints of users related to processing times. By now these have improved tremendously so people now complain about quality and consistency of decisions.

OHIM is developing IT tools to improve in these areas as well. When OHIM started operations in 1996 they received over 43,000 CTM applications. No one expected so many applications to be filed the first year. In 2008 there were over 88,000 CTM applications. If you have 43,000 applications without today's modern IT tools, then you have backlogs, and it takes longer and longer to implement changes. The examiners at OHIM come from EU countries and had to adjust. They have such a multinational population, they needed time to train these people. People (users) tend to remember their first contacts with a new organization. As these surveys are run annually, OHIM can track improvements in user satisfaction, which is encouraging.

From the user survey and other contacts with users, OHIM developed its three primary service dimensions – timeliness, accuracy and accessibility. Timeliness refers to the time taken to complete the processing for applications and other filings. Accuracy refers to the quality of decisions made. Accessibility measures how easy it is to reach examiners and other points of contact at OHIM. These and other core performance measures guide organizational, staff and e-business tool development at OHIM. Managers found that users want an application to be treated “quickly and correctly, consistently and predictably. It should not matter who the examiner is.” The survey revealed frustration with the accessibility and reliability of some of the online systems, especially those that had been implemented recently. OHIM committed to increasing the availability of staff, the transparency of their actions on files and of the status of a file as it moved through the various stages of the application process. As a result of focusing on user satisfaction, OHIM is analyzing the work of examiners with a view to focusing their expertise on the core tasks of examination while leaving accessory tasks, such as data entry and translation, to others.

A user satisfaction task force, led by Desrois, was established during this period to develop an action plan to respond to the survey findings. They were tasked as well to publish “periodic progress reports” in the *Alicante News*, an OHIM newsletter, to keep their work public and available to OHIM users. (A summary of OHIM's action plan based on its 2005 user satisfaction survey and updated in 2008 is included in Exhibit 6.)

During 2006 OHIM expanded the number of users it serviced from 11,600 in 2005 to more than 64,000 because the first CTMs filed in 1996 were now up for renewal.¹¹ Thus, OHIM worked with six times the number of users it had seen during the previous years, most of whom filed for renewal of the CTM. Although complaints increased, the level of satisfaction remained relatively stable due to implementation

¹¹ The 2006 user survey results were based on a response rate of only 8.2 percent, a total of 956 surveys.

of complaint handling procedures and systems. Complaints, mostly informal and reported by telephone, were related to delays and errors. As in 2005, agents reported, on average, a higher level of satisfaction than proprietors (trademark owners who deal directly with OHIM) and differences in the priorities and perceptions of these two groups of users continued to be evident. Interestingly, proprietors reported less satisfaction with and use of e-business tools, while agents reported improvements in satisfaction. These results may reflect the number of infrequent users among proprietors filing for renewal.

The conclusions from the 2006 user survey revealed some gains and a few setbacks:

- A **good level of overall satisfaction** from both types of users (agents and proprietors), better among the agents, and without significant changes as regards last year for both groups.
- **Appreciable differences between agents and proprietors**, not only in their level of satisfaction, but also in their evaluation criteria and requirements.
- The number of complaints increases, but the efficiency and level of resolving them improves.
- Significant improvements in satisfaction with the area of Appeals and with the Register, in both groups of users. In the case of the proprietors, the increase in satisfaction extends throughout all areas of the core business.
- There is a generalised feeling of less accessibility of Office employees.
- There is a decline in the use of, and satisfaction with, e-business tools among the proprietors, while this improves among the agents.
- An overall perception of improvement in the functioning of the OHIM compared to one year ago.
- Just like last year, the main **strengths** (aspects of importance and very highly evaluated) of the OHIM, for both agents and proprietors are: its **Global Image, the Community Design area, and its employees** (in all areas). The **Information area** (with a special mention of the website) is a **strength for the agents**, but has aspects to be improved according to the Proprietors.¹²

The 2007 user satisfaction survey found, in general, that “satisfaction with OHIM increased significantly,” based on reductions in the number of complaints across all categories of users. As OHIM developed its complaint handling systems, the impact on users was clear. Overall satisfaction across all user categories increased markedly in 2007 as well. In particular, more users were satisfied with speed of processing and transparency. The responses indicated that the quality of services offered, staff professionalism and conscientiousness contributed most strongly to the positive image of OHIM reported by users.

OHIM developed quality standards for service, discussed in more detail in the next section, based on the 2006 user survey results and other analyses. In the 2007 survey they asked users how important time and quality standards for service were to them for examination, publication and registration of CTMs. Eighty five percent of agents and 80 percent of proprietors reported that these standards were important to them. The survey asked in detail about the importance to users of a series of time and service standards for each category of OHIM’s work in order to learn more about the priorities of users.

The first indication of user responses following the initiation of service quality standards, in the 2007 survey, showed very strong increases in user satisfaction across all categories of users and all categories

¹² GfK Emer Ad Hoc Research, “OHIM User Satisfaction Survey,” January 2007, p. 90. URL: http://oami.europa.eu/ows/rw/resource/documents/QPLUS/USS/INFORME_2007_en.pdf

of service.¹³ In nearly all dimensions of service, the proportion of agents satisfied increased by about ten percent. Proprietor satisfaction increased as well, with an increase of 15 percent of those satisfied with the CTM register. The design area continued to show strength of service across all categories and increasing satisfaction levels from year to year. Although satisfaction with RDC invalidity dropped slightly, it was not statistically significant. OHIM staff continued to be perceived as its greatest strength. Satisfaction with staff accessibility, which had been viewed as a weakness, improved significantly. When one considers the combination of telework and service standards for accessibility, the results are impressive. However, for proprietors, in particular, finding the right person to speak to, the ease with which one might obtain the right information and clarity of information continued to be areas of dissatisfaction.

Ironically, given OHIM's focus on e-business tools and electronic communications, the overall evaluation of the website decreased from the previous year with respect to speed and reliability of the system. By contrast, agents and proprietors continued to report increasing satisfaction with the move from paper to electronic communications.

In March 2007, OHIM made it possible for users to access non-confidential information and their files online. About half of the agents and less than a third of the proprietors surveyed had used the services. But of those who had used them, levels of satisfaction were high. As more users began to familiarize themselves with e-business tools and databases, frustration with new tools and information sources while climbing the learning curve was not surprising. Yet it was these negative responses that led OHIM's managers to become more aware of usability when designing e-business tools and interfaces. This awareness led to greater user participation in the choice, design and development of new tools.

Overall, 43 percent of agents reported that OHIM had performed better in 2007 than in the previous year; 36 percent indicated that performance was the same; and only four percent reported that it was worse. For proprietors, 24 percent reported that performance was better overall; 34 percent indicated that it was the same; and one percent thought it was worse. Other respondents indicated that they did not know whether performance had changed.

The results of the 2008 user survey demonstrated a continued upward trajectory in user satisfaction overall. Positive perceptions of OHIM staff across all dimensions and for both groups of users continued to strengthen. A very high proportion of users continued to strongly agree that it was "very important" for OHIM to establish time standards for performance. Support for the importance of quality standards was also high but less dramatically so than it was for time standards. For the first time, while agent satisfaction decreased slightly with respect to information handling, tools and systems, proprietors reported much higher levels of satisfaction in the same categories. Marked improvements in user satisfaction were evident in the category of "information and communication." Both user groups reported greater satisfaction in "identifying the right person to speak to," "ease of obtaining the right information," "clarity of information." Similarly, user satisfaction with e-business tools, the OHIM website, and nearly all e-processing systems was higher than in previous years. Overall, however, although 75 percent of agents reported that OHIM had performed better than or the same as it had last year only 36 percent of proprietors indicated the same. During 2007, responses of agents to this question matched their responses in 2008. But in 2007, 58 percent of proprietors had indicated that OHIM's performance was the same or better than it had been the year before. (The response rates for each year's user survey are presented in Exhibit 7.)

¹³ Satisfaction in the area of appeals decreased very slightly, although the sample reporting in the area of appeals was very small and the difference from the previous year's results was not statistically significant.

From these data, OHIM received an analysis of “needs for action,” which would feed into performance targets and development priorities for the following years. Through the annual user survey, supplemented with meetings and ongoing communication with user groups and other means of communication with users, OHIM was in frequent and rich dialogue with its users in order to measure their preferences, perceptions and priorities in detail. These data allowed OHIM to develop service standards and to work internally with staff – already highly regarded by users – to focus on key areas of performance.

OHIM as a Benchmark for Europe: The Service Charter

By 2008, Charlie McCreevy, European Commissioner for the Internal Market and Services would announce that “The Commission supports the ambition that (OHIM) should be the benchmark amongst industrial property offices, and targets for further improvement in the work of the Office are high.”¹⁴ Years before, productivity, rather than growth, had become a strategic goal for OHIM. The annual report was emphatic in this regard: “In fact, productivity measured in terms of registrations of trade marks and designs per member of staff has grown by more than 70 percent between 2004 and 2008, and the financial surplus has risen in consequence.” OHIM leadership argued that gains in productivity should translate directly to reductions in the fees charged to users.

In 2006, OHIM began to develop its service charter, a set of performance targets expressed as commitments to users. The service charter, and the performance standards within it, would be used internally to suggest targets for individuals and units in order to measure their productivity and, in the aggregate, the agency’s performance. The agency publishes on its website its actual performance against its service standards on a quarterly basis to promote transparency and accountability. Among the targets are accessibility by telephone, time to return a telephone inquiry, and complaint handling standards, as well as measures of performance related directly to examinations, oppositions and other standard procedures. Even before de Boer’s presidency, OHIM had a tradition of listening to its users. But beginning in about 2004, listening to users took on added rigor and was translated systematically into a service model with clear, measurable service standards. Wubbo de Boer reflected on the philosophy and rationale of the service charter:

What can a user expect when they file an application with us? ... What developed was a set of promises ... against which standards we allow people to compare the results by publishing every quarter the main indicators of our performance. This is rather well appreciated ... It’s nice to show when these figures are green; it’s bad when they are red. It’s my conviction that the public service, having the enormous downside of being a monopolist, at least we can be transparent, to allow our franchise the full material to criticize us if we fail.

The internal effect is also interesting. Even when there is no dramatic drive for improvement, we find that people buy into this, and it has helped us improve our performance dramatically. I have some figures. In 2001, we had about 45,000 applications. Today we have 90,000. We had no design applications in 2001 and today we have 80,000. We had 500 appeals and today 2,000. We had 1500 opposition decisions and today 5600. Actually, we deal with this with less people than in 2000, so there are very strong improvements in productivity. At the same time, we had very significant improvement in terms of timeliness. We can promise that a non-opposed trademark application should reach registration within six or seven months, down from 22 months when we started to measure. This

¹⁴ Quotation from OHIM, Annual Report, 2008.

is to show that in spite of no growth in staff, the simplification of procedures and e-business do indeed seem to lead to results. And we have not seen all of it yet.

It is clear that the performance of OHIM as measured by the average time required to process a trademark application improved dramatically as a result of developing, using, measuring and making visible a set of key performance indicators. While many organizations use performance measures, several dimensions to their successful use may be observed through OHIM's experience:

- Build measures with user consultation
- Measure results in terms of performance measures
- Make the results public. Use transparency to challenge the organization and to fulfill the promise of a public agency to operate transparently
- Use results as feedback to focus on areas of challenge and to make further improvements

Clearly, OHIM did not invent performance measures. They have been used widely in the public sector since at least the early 1990s when the Clinton administration in the United States required every U.S. federal agency to survey "customers," and to develop performance measures based on their expectations. New Zealand and other governments in the Commonwealth also were early adopters of performance management. But OHIM extended analysis of business processes and performance management to IP and examination processes that have been viewed as craft activities or as legal adjudication and thus not amenable to systematization and measurement is new. The performance measures that have been developed at OHIM and the performance metrics or standards that have resulted provide benchmarks for other trademark and design agencies.

The OHIM website states:

In order to fulfill its role of managing the Community trade mark and design systems, OHIM needs to be a quality-focused, highly productive, user-friendly, and cost-effective organisation.

The OHIM Service Charter defines these objectives in terms of what users can expect, by setting out concrete and measurable standards in three key areas—accessibility, timeliness and quality of decisions—which guide the service policy of the Office

OHIM's Performance against the standards is published on the website every quarter and the standards are revised annually based on feedback from users.

The Service Charter is supported by OHIM's comprehensive Quality Management System.¹⁵

Detailed measures shed light on a wide variety of procedures and processes broken down into constituent steps and measured. (Exhibits 8, 9, and 10 provide performance against service standards for 2009.) These performance measures, developed based on substantial analysis, may be used by any IP agency to analyze and benchmark performance. Thus, OHIM's experience base might be leveraged by other agencies.

¹⁵ The OHIM service charter and performance measures from 2007 to present are available at URL: <http://oami.europa.eu/ows/rw/pages/QPLUS/serviceCharter/serviceCharter.en.do>

For example, the accessibility measures indicate that during the fourth quarter of 2009, OHIM answered 90 percent of calls to its switchboard and to its e-business hotline in 20 seconds or less 97 percent of the time. OHIM staff responded to 90 percent of information queries in two days or less only 49 percent of the time. But staff dealt with 90 percent of complaints in 15 days or less 90 percent of the time. The availability of the key e-business services was near or at 100 percent nearly all the time during this quarter. In fact, OHIM's performance in the area of accessibility of its web-based services and tools has been excellent during 2007, 2008 and 2009. The low response rate for information queries during the fourth quarter of 2009 is markedly lower than performance during every other quarter since the beginning of 2007.

Quality measures during the fourth quarter of 2009 were met with excellent results. OHIM measures the quality of decisions in its service standards with respect to the frequency with which decisions regarding the CTM on classification, decisions on absolute grounds, and opposition decisions, and regarding the RCD in terms of publications comply with OHIM quality criteria. The objectives for these criteria varied during this quarter from 95 to 99 percent and were met from 92.22 to 99.29 percent of the time indicating highly consistent quality of decisions.

Timeliness of performance is measured against a set of metrics developed for each stage of the CTM registration process, international registrations, CTM oppositions, RCD registration, appeals and other procedures. Current timeliness targets are ambitious, perhaps too ambitious for some metrics, based on achievement of these targets during the fourth quarter of 2009. Yet the agency reports performance on its website openly lending a transparency to the process that is unusual in public agencies.

The difficulty reaching the timeliness service standards set raises many questions. Are the standards simply too difficult to achieve? If so, should the standards be lowered? What is the effect on the motivation and morale of staff if they cannot reach standards? Do the numbers mask variation across staff in their ability to perform according to standards? By what criteria were the standards set in the first place and by whom? What are reasonable expectations for public servants, for experienced examiners, and for the use and productivity gains of various e-tools and shared databases?

The elaboration of precise standards, their measurement, and publication indicate examination of processes at a detailed level, development of expectations for performance of examination and related tasks associated with processing CTM and other applications and a move toward examination of productivity in light of OHIM employee performance, user expectations and the types of applications with which OHIM deals.

As OHIM has become the benchmark for trademark and design registrations in Europe, these standards hold enormous value to become benchmarks for comparison across national offices and across IP agencies internationally. Other agencies would not need to climb the learning curve that OHIM has already climbed and might, instead, adopt similar examination and innovation in processes and performance measurement to serve the public. Clearly, this shift from procedural regularity to measurement of performance outcomes marks a modernization of public agencies and public service that began in the early 1990s and has spread since that time to successive areas of public administration in multiple countries as performance and transparency have become mainstays of public administration and management.

Developing a Participative Culture at OHIM

Although OHIM managers quickly developed “eyes and ears” to listen intently to users, they found that listening to staff would be equally important if productivity and quality were to continue to improve. Juan Rubio reflected on this realization:

... the first exercise was going to some of our users and getting input on what is important to them. They gave us the three standards. Perhaps what we didn't do at this time was to see if these [standards] were accepted internally. It was an exercise with our external users. There was not enough attention to the internal users. The big challenge was to make this challenge acceptable to our examiners. If you go to our examiners and ask which are the most important indicators for your users, you will probably find that 30 to 40 percent are not able to tell you this. They will not know that these are the key indicators.

Who sets these indicators or targets? And how does one define reasonable targets? What proportion of employees should be able to meet a target? Are “stretch targets”—objectives that are exceedingly challenging—motivating or simply frustrating? Rubio weighed the tradeoffs involved in setting reasonable yet challenging performance targets:

... the setting of individual targets has not been a consensual exercise. It has been an imposition of the management. This has been criticized. The management will say we need to produce 8,000 opposition decisions a year. They ask how many examiners we have. They divide the total by the number of examiners. It afterwards happens that only 20 percent of the staff will reach the target and we cannot justify exactly how the target was set. However, this way of setting targets worked very well for more basic activities. Targets are hardly reached by 50 percent of our people. In other European Commission institutions, say, translation in the Court of Justice, a person has a certain number of pages to translate a year. Historically 90 percent of these translators reach the targets. This is not our case. We have targets that are hardly reached by 50 percent of our people. This is badly perceived by our staff. Frankly, I can't say whether it's fair or not. We have people who can do twice the target. It is true there has never been a consensus.

In 2009, for the first time, examiners participated in the process of setting targets. Rubio commented:

Now the target setting is so obvious for everyone that the staff is mature enough to have a consensual approach. The last results were quite good. The targets proposed by the examiners themselves last year are 10 to 15 percent less ambitious than proposed by management in the past. But it's more consensual. So we expect that most people will reach the targets ... For the first time we have monitored every single member of the staff to be sure that people are aligned with key performance measures ... You cannot be considered for promotion in a certain time horizon unless you have the performance credentials. So we have more merit built into the performance system.

It also became clear that applications should be triaged, that is, categorized according to the complexity of the application and performance measures adjusted according to dimensions of case complexity. Examiners were in a strong position to develop these categories to improve measurement and, ultimately, to make sense of performance targets. Rubio described an experiment begun in 2009:

What we have tried now compared to the situation that has lasted during the past four years [is] to involve a set of examiners for a specific set of activities to define how long it should take to deal with

one specific case, for example, drafting one opposition decision. It's the area where we are furthest from our standards, clearly underperforming according to our standards ... We give a certain weight to the case depending on its expected complexity. The criteria affecting the expected complexity were defined by the examiners. They put values on them. They gave the values on the basis of these criteria: four types of files by increasing level of expected difficulty. In order to belong to A, B, C or D, you can measure clear characteristics of the file. It's the expected complexity, not the real one. You can have what appears to be an easy case turn out to be difficult. The length of the file [matters]: 500 pages is expected to be more difficult than 50 pages ... An A case should take 0.6 days; a B case two days, a C case three days, a D case four days ... On the basis of this, we have now organized the targets.

... We know the composition of our stock because we have a big backload. Compared with our previous targets defined by the management, the new figures defined by the examiners suppose between 17 percent and 12 percent reduction depending on the basket of difficulty of the cases. I prefer people producing more than before and reaching the target more easily. I prefer having about 80 percent reaching the targets. I don't expect less production because people will see fairer targets ... If everyone reaches the new targets, production will increase from 10 to 12 percent, so there are many dimensions here. So the real production might actually increase.

Eight examiners are now involved in a second, longer-term study to more clearly determine performance targets based on the observations of daily production and perceived difficulty of cases. Moreover, they are examining the quality of their decisions to improve the consistency of examination results as well as consistency between decisions made by national offices and those made at OHIM.

As productivity continues to increase, the possibility that more employees will become redundant continues to rear its head. Civil servants in the EU have the right to ask for a transfer to another EU agency, but many employees are anchored to Alicante through family ties.

Continuing its focus on measurement, in November 2009 OHIM implemented its first employee survey. Some of the results were troubling. François Femia interpreted the response:

The result of the staff survey shows that staff clearly does not share most of the main principals proposed by the management in terms of human resource management. We had a staff protest vote in terms of the management policy. Of course over time with all the improvement we did generate a decrease in the number of staff. We had about 750 staff and now have about 650. In about eight year's time, the global number of [employees] has decreased by more than 100. The main positive perception is that the tasks are more interesting. The fact that they have to manage an entire file from the beginning to the end, this generates more interesting tasks ... The vast majority feel that their job is more interesting than it was in the past.

Yet, he continued, the reaction to changes in the organization is decidedly mixed. Most staff wanted to be trained and to do more than they were doing before. "Of course, they would like to become officials [permanent civil servants], and not remain temporary. For others, they are fearful because they were used to certain tasks. For example, they may have been teleworking. Now they are learning something new and cannot telework until they learn the new task." Many staff have struggled with rapid changes in operations and organizational culture, in fact, with what it means to be a civil servant in a public agency. One manager observed:

If you look at the externals, it seems our results are very good—timeliness, productivity, etc. Our staff recognize these results but protest the price they had to pay to get these results. How do we explain this? We have to look at our fundamental construction. We are a civil service. We didn't have any obligation to make these results. There is nothing pushing us to make performance better. The lack of external constraint to oblige us makes the staff think that this is only a management decision. In terms of traditional European public service, this is something new for us. We would not have had this contradiction if an external factor had obliged us to make these changes. We might have said, look, we have a crisis; we have to face it. We just changed because the top management decided that it made sense to do this without any external constraint. Staff went along but when it touched the comfort of the staff—limited contracts, more appraisals, targets—this was perceived as [a set of] unnecessary constraints decided upon by the management of the OAMI.¹⁶ Why do we need to change if there is no external factor obliging us to change? This is the question they have. Another element of this contradiction is that the office generates money every year. One of the recurring questions is why reduce the staff if we have enough money to pay all of them and more? We don't have budgetary constraints and external constraints.

Another intriguing discrepancy lay in the difference between staff perceptions of user satisfaction and feedback from users themselves. The survey of staff found that employees tend to think that users are not very satisfied with the services of OHIM. But the user survey feedback indicates a higher level of satisfaction than that perceived by the staff.

The management team struggled with the best way to respond to the “protest vote” registered through the responses in the employee survey. As 2010 began most decided that the organization must try to reduce the feeling of “us and them,” as one manager said, “to break the breach between examiners and management.” To be sure, the staff survey results were not a complete surprise to management. They were aware that changing the environment in which examiners had worked and which they took considerable pride cut deeply. They were aware that for many examiners, indeed for civil servants generally, the dominant mentality had been, “a good decision is more important than a quick decision. Who cares if it's in 12 months instead of 10?” They struggled as well with the obligations of the leadership and management of a public agency. One manager expressed the dilemma: “We decided to say, ‘Let's try to reduce the distance between us and them.’ Finally, though, it's the responsibility of the management to decide what type of office we want to be in five years time ... But – we are trying now to involve the examiners in the setting of targets.” For other managers the necessity of examiner expertise and accumulated experience as a key element of innovation was critical:

I was one of the creators of the database at the opposition service dealing with all of the decisions. I said at that time that something was missing, and I decided to propose the development of this database. I am not an IT expert, but it was very motivating and interesting to develop this ... The IT company will never know the job better than the examiner. You need strong and close cooperation between the examiners and the IT company. Otherwise, your project will be a nightmare. You need to create a project that seems important for them so that they are involved.

It was clear that technological innovations could be used to automate routine processes but that streamlining higher level tasks – such as complex examinations and oppositions – would require a close co-evolution of technological and organizational change. This co-evolutionary change would require developing a participative management culture and close involvement of those actually doing the work.

¹⁶ OAMI is the Spanish acronym for the Office for Harmonization in the Internal Market.

Leveraging Information Technology to Increase Productivity for Users and OHIM Staff

From its beginning, OHIM organized itself as a paperless office and intended to leverage the power of e-business tools and information. Paul Maier recalled the beginning of plans for e-filing in 1996. But at these early stages the online application could not be implemented. OHIM managers created a diskette for electronic filing of applications, but so many competing formats were in use at the time that the method rarely worked well. Maier recollected that “We could not digest the volume of applications we were receiving with the state of the art in telecom and IT.”

Wubbo de Boer recalled a turning point in his presidency when the vision of a paperless office began to take firmer shape as part of a coherent, strategic plan:

In 2003, in a long session with management that I remember very well and with a great deal of affection—a lunch that took about six hours and several bottles of wine—we decided that we would be an electronic office and develop a big, integral electronic program, to form the basis of the future methods of interacting with the outside economy. We appointed one of us, ... the director of the Quality Management Unit, to head e-Business. So we were on the road that we are still pursuing.

From 2002 to 2009, the e-filing interface on the OHIM website remained fairly stable (see Exhibit 11). OHIM staff made several improvements to the e-filing system and interface with users, drawing from user satisfaction results, interactions with users through the user groups convened by OHIM, and through following external developments in e-business and e-government. Substantial productivity gains were made over time as the information entered by users into the e-filing system was integrated with “back office” systems to increase reliability and scalability.

In addition, the form that users encountered in the e-filing system was simplified and condensed to one page. Sections were re-ordered to be more user friendly and logical in terms of the information required. OHIM clarified for users which sections of the form were necessary to complete for their particular transactions. A small but important matter, the form was redesigned so that users could return to the form at a later time to add additional information. In its first version, all data entered would be lost if the form were not completed and saved as a whole. Finally, the use of portable document formats (PDFs) allowed users to preview and confirm the information they had entered before submitting the form. This helped users to review information easily and simply, thus reducing errors and time spent re-entering information, and, in general, increasing the ease of use and clarity of the e-filing interface. In addition to refinements to the e-filing system and the back office systems used to process applications, renewals and oppositions, by 2010 OHIM would offer a series of e-business tools or “solutions” (See Exhibit 12.)

Putting the processes related to the CTM online was one challenge. Automating the Community design processes held its own peculiarities due to the visual nature of the material. Paul Maier developed application and adjudication processes for the RCD: “We decided there would be no paper from the start in 2001. The capacity of the lines was inadequate on the Internet to allow sending colour photographs in the required numbers. Real e-filing with back office [functionality] was finally put in place in 2008. Finally. From the beginning, we wanted e-filing ... You can register a design within 48 hours today. But it took three years to develop this system.” Maier remembers visiting various national offices at the beginning of developing the design processes at OHIM. He noted that “OHIM is quite a benchmark in design.”

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By 2009, OHIM could claim to be on the verge of becoming “a fully electronic, e-business organization.” The agency was fortunate to possess the financial means for substantial development projects and had invested approximately €30 million per year, or 20-25 percent of its budget, to build a “complete e-business service offering” in five years. President de Boer anticipated that “We are increasing the number of services we render electronically, and the moment is near when we can say to the outside world that you have to deal with us electronically.” In line with a commitment to web-based processes and information, OHIM has a policy of openness and transparency, the goal of which is to put as much information and to make as many tools available online as possible. For example, the agency provides access to all correspondence that is not confidential between the Office and a CTM owner or representative through their website.

As development of a digital office continued, new tools, systems and databases gave rise to re-examination of work processes, first in the back office, for example, in routine, clerical tasks and, later, through simplification and streamlining of the core examination tasks of OHIM. Digital tools, communication and media enrich and deepen the relationships of OHIM to its users and government partners in national offices and in other IP and related agencies. Moreover, by making its databases, search tools and other innovations accessible to the public and its users, OHIM has fostered co-production of trademark and design filings as users conduct their own research and analysis, check the status of filings and review the decisions of OHIM examiners. Finally, the fundamental reason for the existence of OHIM – to support harmonization of the internal market – was furthered as well by a host of collaborative projects by which the European trade mark system was developing shared standards, shared platforms, shared classification systems, shared databases, shared tools and, through these interoperability gains, shared understanding and a shared view of trade mark and design in a federated system.

Gerhard Bauer, Chief Trademark Counsel at Daimler AG and President Elect of the International Trademark Association, was glowing in his appraisal of OHIM:

OHIM was at the forefront of electronic office [projects]. They started with their internal administration system, the Euromarc system, and then continued to develop the systems that are visible to the users. OHIM developed over time several new systems: e-filing, e-opposition, e-cancellation, etc. – the whole “e-file”. They also set up a users’ group ... asking for their input, asking for their ideas for new electronic systems, giving them access to test systems, inviting them to Alicante to test and comment the systems ... This was a very open and user friendly way of introducing the system.

While routine tasks are relatively easy to automate, more complex tasks such as oppositions, present a challenge. OHIM is developing electronic tools to make opposition procedures more transparent for the parties, at minimum, by allowing online access to documents filed during opposition proceedings. As one manager put it: “Today it is FAX and paper.” Other tools facilitate use of goods and services databases because opposition decisions often hinge on how similar two goods or services are. Similarity in this case is a legal expression, and the complexities of these determinations are many. Yet OHIM is working on a tool that would allow an examiner or a user to type in two terms and to receive from the system an evaluation of how similar the two terms are. OHIM managers wondered how far their e-business tools might take the organization in terms of innovations within the opposition process. Juan Ramon Rubio explained:

Opposition is the fight between the owner of an earlier right and a new applicant who has applied for a new trademark. This earlier right can be an earlier registered trademark. The examiner has to decide

whether the new application “harms” the earlier right. The aspects that must be considered in 80 percent of cases are the similarity of the sign (the trademark) and the similarity of the goods and services covered by the two signs. Is there a likelihood of confusion between the two marks and the goods and services for which the trademark has been applied? You could use IT [to evaluate] similarity of signs. Why not entrust this to systems, which are able to tell you a certain degree of similarity, using phonetics or grammar ... This would help the examiners make the final decision on the likelihood of confusion. Could a machine make the final decision? Possibly using experts systems ... I don’t think we would eliminate the examiners, but these tools would help them to use objective criteria and analysis of a machine. If you ask the examiners, they will say that no machine can replace the judgment of a good examiner. I’m convinced that a set of programmers could create a good set of software – expert systems – to evaluate proposed decisions on the basis of previous experience. We are not in the most advanced sector, so I don’t imagine machines doing this work in my lifetime.

With nearly 15 years of experience, OHIM managers had begun to appreciate in a deep sense, born of experience, the inevitable interplay between the development of new tools and information sources and the design of the work processes of the core tasks of the organization. Thus, tensions would continue to arise and to be addressed as managers, staff, technology designers and users continued to debate how best to improve the work of OHIM, at what pace, to what benefit and at what costs. It seemed clear that some tasks would disappear and that the staff engaged in those tasks would have to be retrained and redeployed.

User Participation in Design and Development: The OHIM Lab

Creating a space – a unit – devoted to strategically important tasks worked well for OHIM. The OHIM Lab is a joint working unit of the Quality Management and the Information Technology divisions formed to test new processes, tasks and organizational systems. The idea is to build and test in a controlled setting within OHIM and to work with OHIM employees to fully examine a new idea before launching it more widely. OHIM managers and staff are developing the third generation of their e-business tools in the Laboratory, focusing on, as DiCarlo observed, “integrating users into our processes so that they can do much of the work themselves and our examiners don’t have to intervene in every step of the procedures and concentrate where they add value.”

Initially, OHIM focused on developing electronic filing of trademark applications. The orientation was outward to the user. However, it soon became clear that OHIM staff would have their work defined largely by these processes and their design because the inputs to their work would be designed as part of these application systems. Their outputs as well would return to the online application system in terms of responses to users. It soon became obvious that user satisfaction in terms of the usability and availability of information and tools would depend in part on their usability for OHIM staff. In addition to forms and paperwork, most of the costs of search resolve to reviewing databases of existing trademarks and designs to determine if the trademark proposed is already in use or too similar to an existing trademarked good or service. If it is not, the question becomes whether a trademark or design in use is similar enough to the one proposed that a consumer would be confused. As OHIM develops databases to capture and reuse previous similarity tests, they continue to build resources for users and examiners.

Similarly, it became clear that development of websites, databases and e-business tools without sustained involvement by users would only lead to problems and user dissatisfaction. OHIM technology innovators as well as OHIM managers developed a user methodology as part of their IT development strategy. In addition to an annual user survey, they began to invite users to visit OHIM and to participate in focus groups to discuss new ideas for e-business tools or other web-based innovations. The OHIM Lab used

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rapid prototyping to develop solutions that could then be tested and tried by users. Greater user involvement in design and development coincided in 2007 with a complete redesign of OHIM's website. Managers invited users to visit Alicante. They showed them the website, filmed them interacting with it and filmed the screen and their reactions to various parts of the website. Based on this information, they made ten major changes to the website design. This exercise opened their eyes to the importance of usability testing, which is now done under contract to an external firm. OHIM holds user group meetings twice a year to examine use of their current e-business tools and to explore potential tools. They ask users what they need and solicit their suggestions. OHIM's IT and quality management staff rely on such meetings to gather user information.

OHIM's managers were confident that users would readily accept, in fact, would much prefer to use electronic filing and communications with the office. After all, the results achieved for users of new electronic tools and applications were impressive. By 2009, 93 percent of CTM applications were filed online compared to 72 percent in 2006. Renewal applications filed electronically were at 60 percent in 2009, up from 27 percent three years before. Oppositions to CTMs filed online rose fourfold from five to 20 percent from 2006 to 2009, and OHIM expected that new tools to be introduced in 2010 would further increase oppositions filed online. With each of these advances, productivity continued to improve.

The Laboratory was developed, in part, as a response to "bumps in the road," implementation problems during the introduction of the Euromarc++ system, which is now considered highly successful. The rollout of new IT systems is rarely smooth. Indeed, the failure rate of IT projects in governments throughout the world is astonishingly high. OHIM's successes, by contrast, are impressive. The introduction of new tools and procedures has a strong impact on users, especially small and medium enterprises. For one thing, small and medium enterprises, filing on average one to ten patent and trademarks each year, have few resources to adapt to new IT systems. As Bauer explained:

As usual, if you are dealing with new systems, there are lots of problems while introducing these systems. OHIM took responsibility for the mistakes in the new systems, and handled these in a very professional manner. Even if the system failed internally, they took care of things manually and took care of their users. Response time and reliability were primarily the problems. There was no use in hiding the problems and OHIM didn't do this. They acknowledged the problems, did everything they could manually to work around them and made needed improvements.

Although apologies were made to the public and improvements made to the system, OHIM had to deal with a backlog of applications that piled up due to IT problems. The system often crashed while users were uploading application files. ... Agency managers anticipated clearing the backlog of cases during 2010. A second challenge is the training of employees and redesigning work processes to align them effectively with new tools. How much training is needed? How much time is required for a large organization to adjust to new work processes?

OHIM's managers also learned about the importance of accessibility in a highly automated office. If users are to rely on e-tools and online databases, these must be available and reliable. The director of the Information Technology Department, Mark Vanaeken, emphasized the importance of accessibility of services in an e-government setting:

In earlier times, public administrations did not (all) tend to attach adequate attention to user service. Availability of service - being an important element of the service - was not always given the importance it deserved. The monopolistic position of the public administration was certainly not a

facilitator for improving services: "if the service is not available today, the user will come back tomorrow." A prerequisite for improvement is the conviction that a more "contractual" relation between public administration and citizen/user should exist and the will of the management and the whole staff to make this operational. The expectation of the user has changed from an 8x5 to a 24x7 availability of services, especially for e-business services. It has not always been easy to push this to our internal staff. Today we have clear service levels published and monitored. Transparency on performance is key. It is clear that appropriate measures at the level of organization and resources have been taken and are supporting the strategy.

In addition, and at the core of its capacity, an electronic agency requires strong data security, continuity of operations and privacy protection. Trademark information benefits from openness, but design information must be secure. If, for example, Porsche wants to register a "deferred design," a design they want to keep secret for a few years, lack of security could have serious economic consequences for the firm. Strict security measures and policies are in effect. OHIM managers realized early on that they would need to benchmark against the highest standards and thus sought and gained ISO standard certifications in all the relevant areas of information management. These systems and standards are critical for a 21st century agency.

Ninety percent of OHIM's users are intermediaries, the firms that handle brand management and protection typically for larger firms but also for individuals and small to medium sized firms. Ironically, OHIM's continued attention to making access to its information and systems easier for users might result potentially in less work for representatives, as Vanaeken noted:

By making it more accessible, we are cutting the fingers of our biggest customers. It's always an interesting equilibrium exercise to see how far we can go to offer services to our external users without tipping the representatives. The frontiers, the big lawyer firms, are moving. They are seeing that the common functionalities they are offering are what we are offering. So the added value they are offering is moving to where it should be, that is, advising customers in difficult cases, helping with opposition cases. So the filing is not their business. The first search is not their business. We have federated search. The services they were invoicing will go down and they will have to focus more on core business functions. So the movement we are making is having an effect on their core business models. This is happening not only in the trademark area but in all of public administration. The public administration is using the money of the people. How far should they go in offering free services that are currently the business model of private firms? It would be easy to say that through the fees, I will collect a lot of money and use that to offer free services to the public. In that, I will kill a lot of private firms. Where should that line be drawn?

Yet by the end of 2009 there was little sign of change in filings to OHIM from representatives to users themselves. Vincent O'Reilly, Director of the Department for IP Policy, remarked: "Someone said the system should be simple enough for intermediaries to operate but not so simple that intermediaries are not needed." Clearly, large firms with complex brand management needs would continue to rely on the sophisticated expertise of intermediaries.

Using Interoperability to Increase European Harmonization

Over time, OHIM has begun to invest more resources in collaborative projects with external partners – in effect, strengthening the European trademark and design network and, more broadly, the globalization of IP. They became part of the Trademark Trilateral Offices, a group that includes the IP offices of the

United States, Japan and Europe. They had launched discussions and a growing range of activities with China and other countries. From the start, WIPO had been a partner in many activities. But bilateral and multilateral collaborative projects with national offices were central to the technological underpinnings of their mission, the harmonization of the internal European market. The framework for such cooperation had been decided in a technical cooperation meeting in July 2005 with projects beginning in 2006 related to training, information technology, promotion and information services and other projects. During 2009, their pace pleased and, frankly, surprised even President de Boer.

By the end of 2009, OHIM had released *Euromarc++*. While developed initially as OHIM's internal electronic file manager, it was available through a free license to national offices. In 2009, the UK Intellectual Property Office adopted the system. Its adoption by other national offices would save the considerable investment required to build such a system whole cloth. The relationship between the UK Intellectual Property Office and OHIM reflected the simultaneously collaborative and competitive relationship between OHIM and national offices. In its annual report for 2008-09, the UK Intellectual Property Office reported that:

There was a possibility that, when OHIM joined the Madrid Protocol, substantial amounts of trade mark business would be diverted there with a corresponding loss of income to the Office. However, there has been no substantial evidence of this. OHIM plans to reduce its fees again in May 2009 and this will be kept under review. A key part of our fee review and TM10 programme [a technology upgrade project] is to ensure we remain competitive.¹⁷

The Trade Mark View, or *TMview*, tool also played multiple roles as a tool for users, as well as a means of deepening harmonization through shared resources and information. *TMview* (formerly EuroRegister) focuses on developing and supporting a “common trade mark search engine tool”—an online consultation tool—to allow users to search for trademarks in the registers of WIPO, OHIM and EU national offices. Eight national trademark registries including those of Portugal, Czech Republic, Benelux, Denmark, the UK and Italy had registries available to search through this system in 2009. Other national offices were invited to join as the architecture was upgraded to support new technical requirements. The goal is for users to be able to conduct pre-application research to determine if the proposed trademark is already registered. When the trademark registries of all 27 EU Member States are included, users will be able to access approximately 8.5 million trademarks. Currently, the search portal gives users access to five million trademarks and their associated registry information.

The EuroClass tool provides a way to compare the classification databases of national offices. This centralized resource will provide users with access to the classification of goods and services offered by all participating European national offices and will find equivalents between the expressions for goods and services in the different classifications databases. The tool is currently integrated with OHIM and the UK and Swedish offices. The national offices of Portugal, Finland, the Czech Republic and Germany have joined the project. President de Boer noted in an interview in 2009 that he anticipated all Member States to be included in the database by mid-2011.

Harmonization suggests comparable, and in some cases identical, classification of goods and services across entities. Focusing on this ambitious goal, OHIM has partnered with the UK National Office to develop a shared classification database consisting of more than 100,000 terms used to categorize goods and services. German and Swedish national offices have joined this effort to harmonize their

¹⁷ UK Intellectual Property Office, “The Patent Office Annual Report and Accounts 2008-2009, p. 15.

classification of goods and services and to use one common database. Sweden had agreed to validate the translation of the single database from English to Swedish, and Germany joined the project during 2009. Other national offices were invited to join the project, and €3.6 million had been “earmarked” by OHIM for translation and validation services in order to ultimately produce a common database available in the 22 EU languages and for use by all IP offices. OHIM and WIPO had developed a joint understanding that had the possibility to result in use of the common database by CTM and Madrid filers. The two organizations were at initial stages at the beginning of 2010 and had shared databases in order to identify discrepant information. WIPO Director General Francis Gurry referred to building a “global IP infrastructure,” when he signed the agreement to move this project forward.

Still other more modest collaborative activities and exchanges were slowly but surely building greater coherence and interoperability throughout the system. National IP experts have been seconded to OHIM since 2006. OHIM paid all costs except social charges. At the end of 2009 there were 19 national experts working at OHIM at a cost of €1.2 million. OHIM had for many years provided training for enforcement authorities, primarily for judges at a cost of €30,000 per year. The agency committed €200,000 per year to coordination of liaison meetings held regularly with other EU IP offices to discuss similarities and divergences in practices. The information technology standards for electronic exchange of trademark data were developed through these meetings. In fact, WIPO endorsed these standards, which have become the ST.66 standard guiding electronic exchange of trademark data.

Two ambitious projects, signaling the next level of interoperability and harmonization potential, are in conceptual stages. OHIM and national offices were in discussion concerning *Eurofile*, a project aimed at creation of a European platform for filing national, international and CTM applications through a single interface. And OHIM and national office managers were in the early stages of discussion about *EuroPortal*, a pan-European web portal, which, OHIM claimed, “would provide common access via a single portal to IP information throughout the EU ... [by] sharing information, federating services and aligning terminology.”

Across these many projects, OHIM’s technology managers began to rely increasingly on shared technical standards and open source technologies in order to increase interoperability within OHIM and within the system of national trademark and design offices. From 2003 to 2005, a group of technical experts in the trademark and design domains met four or five times each year to discuss and develop common standards, which are necessary for harmonization of the internal market. An expert group, consisting of five offices, typically is able to achieve quick results. Their results have been adopted as the EU trademark standard, TM-XML 1.0, and have been proposed to WIPO as a new standard (named WIPO ST.66). This group liaises at the international level where work on international IP standards is quite active and moving forward quickly. They developed the international trademark standards. This is a case in which OHIM drove the market because commercial companies providing brand management wanted a common standard but did not have the institutional means to develop one.

One of the most ambitious projects, technologically, is the Trade Mark XML Open Standard Initiative. Imagine a government project involving all 27 European countries, OHIM, and WIPO that puts as much project documentation, useful examples of source code, and reporting as possible on Wikipedia.¹⁸ Most of the computer code is listed in Sourceforge, an open source development website, in order to allow any

¹⁸ <http://en.wikipedia.org/wiki/TM-XML> summarizes the Trade Mark Extensible Markup Language an open XML standard for exchange of trademark information between IP offices and firms. It was developed by an OHIM working group in June 2003.

coder in the world to reuse, propose improvements, or eventually to discuss or fix identified errors. Although there are password-protected areas for the group's work, the level of transparency and openness of this trans-national project is highly unusual. Alexandre Tran, Head of the IT Architecture and Standards Sector in the IT Department of OHIM, is an active member and contributor to the working group. He noted: "You can see where all the member states are in the schema. This is a way to share information with any office worldwide and it's an exchange of information. It says to the public, we will give you access to information 24/7, then maybe you have to put your added value somewhere else. For the core information, OHIM will offer this service." The underlying rationale for most of these interoperability projects stems from development of shared classification, development of dictionaries to translate across different national terminology and standards, and development of equivalencies across varied definitions in use for classification of goods and services.

A password protected wiki, or shared working space, called Share IP Wiki, lists all the software used in the major business process systems of EC national IP offices.¹⁹ As each national office adds information to this site, there will be a complete inventory of national trademark and design office software for Europe. By early 2010, however, the inventory was far from complete. Yet the sharing of code, while highly technical, may accelerate development and use of shared standards, templates, and tools faster than any political or management process. The working group keeps its presentations, discussions, videos, newsletters, and other documentation on this shared site. The level of transparency offers an incentive for innovation and for diffusion of innovations throughout the European Trademark and design system. Each national office can see exactly what other national offices are doing with respect to technical standards and code.

Tran described one of his own current projects, independent of the working group, as of the beginning of 2010. The Trademark Bus is a project under development by Tran at the OHIM lab that allows users to access trademark information about a particular good or service that is trademarked from several different entities including national IP offices, OHIM and WIPO.²⁰ It proposes to tag trademarks with the national registry number for an item's registration in each country. The "bus" is a means to create a standard way to identify every good and service with its country, trademark and other information in a multi-digit code that serves as a unique identifier. This multidigit coding scheme would then be used to identify any patent, trademark, design or other IP from any country.

The Trademark Bus enables a second project under development by Tran called the hTrademark whose objective is to build and use microformats, or standardized bits of data, that can be digitally attached to a trademark ® or TM when it is represented online – for example, on a website advertising or selling the good or service. The microformat including trademark information would allow for indexing, searchability, direct access to an IP office register and automatic check of trademark status of goods and services represented on the web.²¹ If private sector firms tag their trademarks when these goods or services are listed on the web, the IP information, including the status of all trademarks associated with the good or service, remains with instances of the good or service on the web. In 2009-2010 the OHIM IT Department contacted Google to propose that this new microformat be included in future versions of the browser Chrome. Currently its support needs installation of an extension developed by OHIM and available for Firefox and Chrome. This is part of a larger effort to create an awareness of how to put a trademark on the web. The issue has become salient in part because at the beginning of 2010 a legal case

¹⁹ <http://shareipwiki.org/wiki/OHIM> is a password-protected site for the working group.

²⁰ <http://trademarkbus.net/>

²¹ <http://en.wikipedia.org/wiki/HTrademark>

was pending regarding whether it is legal for Google to connect users to non-trademark sites for selling non-trademarked goods and services. Using microformats, Google software could be written to check the trademark information of a product or service. If it were designed to do so, a search engine could prevent a user from connecting to a site selling counterfeit goods.

The Path Ahead: Institutional Developments for Trademark and Design in Europe

Strengthening the economy and innovative vitality of Europe are key reasons for harmonization of trademarks and design in the internal market. Brand companies that operate worldwide – those firms that represent and manage the brands of other firms – continue to encourage the European Commission to foster development at the European and national levels of better coordinated, cost-effective, rapid, and predictable responses from public agencies responsible for granting exclusive rights over trademarks and designs.

OHIM was widely considered the benchmark for trademark and design registration. Their experience and innovative capacity offered to national offices a set of important strategic and administrative practices, e-business tools, and other information resources that could be adopted whole cloth or adapted to national settings. Opportunities for knowledge sharing among the national offices and with OHIM had made the vision of a European multi-level governance and administrative system for trademark and design operationally feasible. Although a thicket of legal, political and practical issues would require political negotiation and careful policy evaluation to harmonize, the technological systems and e-business tools required to run a multi-level, coordinated system were available for immediate use.

Aligning Regulations with 21st Century Practice

OHIM's managers found that the management and e-business innovations they had developed were far ahead of most European legal and institutional systems regulating IP. They noted the long lag between the establishment of CTM regulation in the early 1990s, with limited revisions in 2004, and marked changes in the world of administrative and business processes due to the Internet since that time. In a detailed analysis sent to the team at the Max Planck Institute tasked by the EC to evaluate the future of the European trademarks system, they made the case for a more assertive Commission stance toward modernization and harmonization of the internal market:

The world of business and administration has been transformed in the last fifteen years by the seismic impact of technological change, particularly that of the internet. The legislation needs to reflect these changes and provide a framework for the operation of a system in the 21st Century.

Today the business world operates in a modern environment where electronic communication is the norm. The [CTM] Regulations largely reflect a paper oriented approach. The Office has made strides in making electronic tools available to its users ... but is hampered by the “paper” legal framework. An example of the outdated thinking that needs to be corrected is the fact that even notifications by the Office by courier are considered to contravene the Implementing Regulation. ...

They based their arguments on the substantial experience they had gained through processing hundreds of thousands of applications through every step in trademark and design examination procedures over the course of nearly 15 years. Drawing from this experience base, they argued that:

In particular, it is considered that electronic communication should be the rule and unnecessary bureaucratic procedures should be eliminated ... What is standard procedure in business and administration should be standard practice in dealings between the Office and its users.²²

More striking perhaps was their contention that user satisfaction should be the central measure of performance of the agency given its fee for service economic basis. As a corollary, they argued that the financial autonomy of OHIM should be strengthened in law.

In their brief to the Max Planck Institute, OHIM managers emphasized that adaptations to national office processes were made necessary by advancements that had been implemented at OHIM, in particular wide use by proprietors and agents of its e-business tools, systems and databases and its use of the Internet as a central communication and coordination backbone. OHIM user surveys indicated strong support and enthusiasm for electronic communication and processing. They spoke out forcefully for modernization of administrative processes and procedures made possible by digital technologies bringing to a head the contention between traditions and long accepted routines of public administration and the new world of digital administrative work arguing that “Simplification of elements that no longer prove necessary and complicate procedures without sufficient reason needs to be addressed.”

Deepening Interoperability to Foster Harmonization

The CTM system was designed by law to coexist with the national trademark systems of the member countries and with the international system. With multiple options for registering trademarks one might expect a decrease in the amount of trademark work, yet this had not been the case overall by the end of the first decade of the 21st century. Trademark filings overall had increased although there were exceptions for some Member States and regions. (See Exhibit One.) Early on, managers at OHIM had committed, following their mandate, to moving beyond mere coexistence with national offices to building greater interoperability across the entire network of trademark and design offices. They offered a vision for an integrated yet federated trademark system:

In a global economy, users expect not only to count on the system to protect their trade marks at different territorial level (national, regional, international) but also that those systems offer the same standards of service. Therefore, coexistence must be complemented by interoperability among systems.²³

The CTM legal framework itself had encoded within it several requirements for interoperability:²⁴

- Filing through either national/regional offices or OHIM
- Link between the international system (Madrid system) and CTM
- Seniority based on national registration(s) in the CTM system
- Possibility to oppose registration of CTMs on the basis of national trade marks and vice versa
- Conversion of CTMs into national/regional procedures
- Enforcement of CTMs by national judicial authorities, etc.

²² OHIM, “Contribution to the Study on the Overall Functioning of the Trade Mark System in Europe,” January 2010, p. 10-11.

²³ *Ibid.*, p. 15.

²⁴ *Ibid.*, the six requirements for interoperability are quoted from the report, p. 15.

These legal requirements do not oblige different offices to harmonize their administrative processes or procedures. Nevertheless, OHIM began in 2005 to develop several technical cooperation projects to develop interoperability within the broader European trademark system with a goal of providing to users a coherent portfolio of tools and an expectation of consistent results.

The Cooperation Fund, forged in 2009 as a compromise on the use of the OHIM surplus, was meant in part to foster interoperability between OHIM and national offices through a series of projects intended to reduce differences among offices. OHIM managers were eager to work with national offices on such projects, and an increasing number of offices were working enthusiastically with OHIM. But national offices had no legal obligation to change their practices or procedures. Thus, OHIM's leadership suggested strongly that OHIM's regulations should be modified to make clear the EU intention that harmonization – and interoperability – should be pursued by national offices and that OHIM should coordinate the overall efforts.

Their core arguments to the evaluation group concerning institutional developments revolved around four points: (1) Fundamental changes were needed in the governance structure of OHIM to free it from an unwieldy structure with too small a role for the Commission and too powerful a role for national offices; (2) Changes to basic regulations in the CTM system were necessary to allow the agency to continue to innovate and to manage its budget responsibly, particularly with respect to revenues and surpluses; (3) Clarification of the legal meaning of “genuine use” of a trademark or design was needed to make clearer for users and agencies how the dual system would develop; and (4) OHIM called for the Commission to more clearly articulate a vision for an interoperable EU trademark system that would institutionalize cooperation between national offices and OHIM.

The creation of the EU and an internal European market gave rise to the claim that a CTM would be necessary as one instrument among many to foster free movement of goods and services across Member States. The CTM was developed also so that businesses might adapt their activities to the larger scale of the EU.²⁵ At the same time, Member States understandably had been careful to preserve national autonomy, thus producing the unusual “double governance” structure of OHIM and continuing ongoing political and legal debate as Europe refined the vision and specifics of multi-level IP regimes.

To take one important example, the issue of genuine use and its legal definitions was being developed through cases as well as through debate. As the notion of a CTM matured through the experience of actual practice and cases, a number of legal questions arose. Specifically, the territorial scope of use for a CTM was left vague in the initial legislation, which requires only that use must be “in the Community.” Later, it was agreed that use in one country is legally equivalent to use in the Community. But critics of this definition argued that SMEs in particular might be damaged, although no actual evidence of damage had materialized. Advocates of this definition argued, by contrast, that SMEs whose initial reach and brand protection might be national would have the possibility for future expansion in the Community without fear that larger firms would make strategic moves to block their expansion pre-emptively. OHIM argued against territoriality provisions as well to protect the integrity of the Single Market by, for example, preventing the possibility of national courts or administrations to rule that non-use of a CTM in their jurisdiction would mean that the CTM would not be protected in that national system.

²⁵ The legal foundation for trademarks in Europe consists of national laws, a directive of the European Parliament and of the Council detailing harmonization of those laws, by the regulation that established the Community Trademark, other EU legislation and a series of international treaties binding European nations and the EU.

The idea that an increasing number of trademark registrations at the national, Community and international levels would “clutter” the registers had fostered concern about the availability and of suitable marks for adoption. These multiple possibilities for trademarks coupled with existing legal requirements to prove genuine use, some argued, had produced and might exacerbate a proliferation of unused CTMs in the register making it more difficult to find new marks. Yet OHIM argued that empirical evidence did not support such claims. Further, they argued, tens of thousands of CTMs were not renewed each year. This suggested, first, that users are not “squatting” to block others and, second, that the system, by requiring renewals, circulates marks back into the system for use by others. Users also have the legal ability to bring cancellation actions against trademarks they perceive to be unjustified. In its arguments, OHIM noted that the actual number of cancellation actions was small. In 2009, for example, there were approximately 750 cancellation actions filed for which less than 50 percent claimed non-use.

Wubbo de Boer and his top management team drew from hard lessons learned from protracted negotiations required to reduce fees to argue that the governance structure of the CTM would have to be modified if OHIM were to live up to the agency’s legal requirement that fees remain in line with the costs of application processes. They sought to make the case in the strongest possible terms that the governance and decision making structures by which the agency had to make policy decisions took too long and gave too much power to stakeholders with a vested interest in retaining the status quo. They suggested that the Commission’s biannual review of CTM revenues and expenses that was agreed to in September 2008 should be written into law in order to prevent bottlenecks in the future adjustment of fees. Their brief to the evaluation team recounted past difficulties:

This extremely large reserve came about because of protracted inaction by the competent authority to adapt fees to the reality of operating expenses. This allowed the reserve to grow far beyond any reasonable need. No action could be taken because of the governance provision concerning the setting of fees. *The role given to Member States by the current legislation in the fee-setting process led to paralysis to the detriment of users of the system.* If this institutional arrangement is not changed, there is a real risk of a repeat of such paralysis. ... Beneficiaries should never be in the position to vote on the level of fees in which they have a direct interest should a further reduction of the fees need to be undertaken in the—not unlikely—event of the reappearance of substantial annual surpluses.²⁶ [emphasis added]

An earlier EU evaluation study, published in 2009, that had criticized the problematic governance structure of OHIM and the creation of the Cooperation Fund also advocated for institutional reform: “In fact, the agency [OHIM] contributes to achieving objectives at [the] EU level (internal market), it serves the interests of enterprises (underrepresented in the governance system), and it cooperates with national agencies in the Member States. These three categories of interest are not balanced in the agency governance.”²⁷ The evaluation report also recommended that the Board and the Management Committee be combined into one governing body, the form used by most Commission agencies.

OHIM’s managers could already see the rise of a new budget surplus. They estimated in 2009 that the accumulated surplus would amount to about €300 million, even after accounting for the Cooperation Fund and a contingency reserve. They doubted that this amount could be spent to ensure that CTM users

²⁶ OHIM, “Contribution to the Study on the Overall Functioning of the Trade Mark System in Europe,” January 2010, p. 4.

²⁷ “Evaluation of the EU decentralized agencies in 2009,” Final Report (December 2009) Volume III, pp. 214-215. Cited in OHIM, “Contribution ...” January 2010, p. 7.

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would benefit and that the use of funds would be focused and controlled. OHIM's top managers, by contrast, argued strongly that the surplus be returned to the users themselves and, in fact, had developed a detailed plan for doing so.

As his presidency was drawing to a close in the early months of 2010, Wubbo de Boer observed that "Significant change is often the product of external criticism or behaviour of competitors. This has not been the case here. This has certainly made me feel alone with my colleagues here. This is not to be dramatic or melancholy. There was not a strong impetus for change. Vested interests do not want to see change."

A new president of OHIM would be in place by October 2010, and the inevitable transition to new leadership would surely prompt further reflection and action. OHIM was recognized as a benchmark for Europe, but the process of translating its achievements to national offices was anything but clear. During the second presidency of OHIM, the agency had begun a deep shift in its culture from growth to productivity. The results of analyzing and measuring performance, using what are now standard e-business methods and tools, and working with users had achieved stunning improvements in productivity and transparency that held great promise for increasing economic vitality and competitiveness throughout Europe. During the next decade the structure and potential of a harmonized European trademark and design system would be brought into sharper focus.

Exhibit 1: Total Trademark Applications by Office

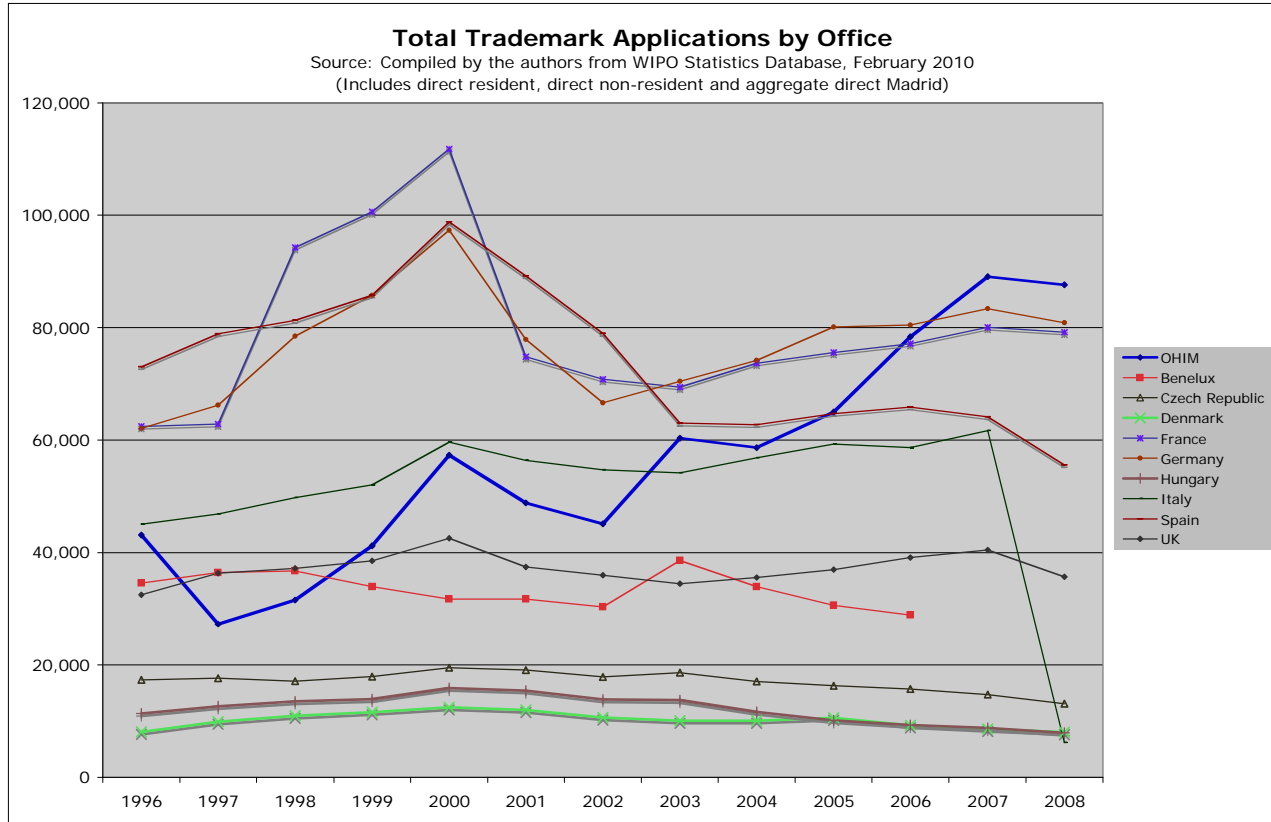


Exhibit 2: OHIM Administration Board Members, December 2009Source: http://oami.europa.eu/ows/rw/resource/documents/OHIM/institutional/ABBC/ab_memb_dec09.pdf

Presidente (ES)/Präsident (DE)/Chairman (EN)/ Président (FR)/Presidente (IT):	António CAMPINOS
Vicepresidenta (ES)/Vizepräsidentin (DE)/Deputy Chairwoman (EN)/ Vice-présidente (FR)/Vicepresidente (IT):	Darina KYLIÁNOVÁ

Belgique/België	Jérôme DEBRULLE Conseiller	Ministère des Affaires Économiques/ Ministerie van Economische Zaken
	Monique PETIT * Conseillère adjointe	Ministère des Affaires Économiques/ Ministerie van Economische Zaken
Bulgaria	Kostadin MANEV President	Patent Office of the Republic of Bulgaria
	Dobrinka DOBREVA * Director, Trade Marks and Geographical Indications	Patent Office of the Republic of Bulgaria
Ceska Republika	Světlana KOPECKÁ First Secretary Intellectual and Industrial Property	Permanent Representation of the Czech Republic to the EU
	Josef DVORNÁK * Director of International Department	Úřad Průmyslového Vlastnictví
Danmark	Anne REJNHOLD JØRGENSEN Director of Policy and Legal Affairs	Patent- og Varemærkestyrelsen
	Anja BECH HORNECKER * Legal Advisor	Patent- og Varemærkestyrelsen
Deutschland	Johannes Christian WICHARD Ministerialrat	Bundesministerium der Justiz
	Cornelia RUDLOFF-SCHÄFFER * Präsidentin	Deutsches Patent- und Markenamt
Eesti	Matti PÄTS Director General	Eesti Patendiamet
	Toomas LUMI * Deputy Director General	Eesti Patendiamet
Ellas/Ελλάς	Stavroula KOUVARI-KOMATANOU Directress of the Directorate of Industrial and Commercial Property	Ministry of Development
	Panagiota GEORGOPOULOU * Lawyer IP Expert	Ministry of Development
España	Alberto CASADO CERVINO Director General	Oficina Española de Patentes y Marcas
	José Luis BARBERO CHECA * Subdirector General	Oficina Española de Patentes y Marcas
France	Benoît BATTISTELLI Directeur	Institut national de la propriété industrielle
	Gilles REQUENA * Chef du service des affaires européennes et internationales	Institut national de la propriété industrielle
Ireland		Department of Enterprise, Trade and Employment

Exhibit 2: OHIM Administration Board Members, December 2009, continued

Italia	Mauro MASI Ministro Plenipotenziario	Ministero degli Affari Esteri
	Loredana GULINO * Direttrice	Ufficio Italiano Brevetti e Marchi
Kypros/Κύπρο	Spyros KOKKINOS Registrar of Companies and Official Receiver	Υπουργείο Εμπορίου, Βιομηχανίας και Τουρισμού
	Stalo PAPAIOANNOU * Senior Officer of Registrar of Companies and Official Receiver	Υπουργείο Εμπορίου, Βιομηχανίας και Τουρισμού
Latvija	Zigrīds AUMEISTERS Director	Patent Office of the Republic of Latvia
	Dace LIBERTE * Head of Trademarks and Industrial Designs Department	Patent Office of the Republic of Latvia
Lietuva	Rimvydas NAUJOKAS Director	State Patent Bureau of the Republic of Lithuania
	Lina MICKIENĖ * Deputy Director	State Patent Bureau of the Republic of Lithuania
Luxembourg	Lex KAUFHOLD Attaché du Gouvernement 1 ^{er} en rang	Ministère de l'économie Direction de la Propriété Intellectuelle
	Claude SAHL * Chef du Secteur Législation	Ministère de l'économie
Magyarország	Mihály FICSOR Vice-president	Magyar Szabadalmi Hivatal
	Péter CSIKY * Head of Trademark, Model and Design Department	Magyar Szabadalmi Hivatal Védjegy - és Mintaoltalmi Főosztály
Malta	Godwin WARR Director general	Commerce Division - Ministry of Finance and Economic Affairs
	Michelle BONELLO * Director Industrial Property Registration	Commerce Division - Ministry of Finance and Economic Affairs
Nederland	Guus BROESTERHUIZEN President	Bureau voor de Industriële Eigendom
	Paul VAN BEUKERING* Intellectual Property Unit Manager	Ministry of Economic Affairs
Österreich	Richard FLAMMER Vizepräsident	Österreichisches Patentamt
	Robert ULLRICH * Rechtskundiges Mitglied	Österreichisches Patentamt
Polska	Andrzej PYRZA Vice-Chair	Urząd Patentowy Rzeczypospolitej Polskiej
	Marta CZYZ * Director of the Trademark Department	Urząd Patentowy Rzeczypospolitej Polskiej

Exhibit 2: OHIM Administration Board Members, December 2009, continued

Portugal	António CAMPINOS President of the Administrative Council	Instituto Nacional da Propriedade Industrial
	Paulo SERRÃO * Administrateur	Instituto Nacional da Propriedade Industrial
Romania	Horațiu Dumitru RĂCUCIU Director General	State Office for Inventions and Trademarks
	Liviu BULGĂR * Director of Legal and International Affairs	State Office for Inventions and Trademarks
Slovenija	Jurij ZUREJ Acting Director of the Intellectual Property Office	Intellectual Property Office
	Vesela VENIŠNIK * Head of Trade Mark & Design Department	Intellectual Property Office
Slovensko	Darina KYLIÁNOVÁ President	Úradu priemyselného vlastníctva Slovenskej republiky
	Zdenka VALTYNIOVÁ * Director	Úradu priemyselného vlastníctva Slovenskej republiky
Suomi-Finland	Martti ENÄJÄRVI President	Patentti- ja Rekisterihallitus
	Eija NUORLAHTI-SOLARMO * Vice President	Patentti- ja Rekisterihallitus
Sverige	Peter HEDIN Head of Trademarks Unit	Patent- och Registreringsverket
	Susanne ÅS SIVBORG * Director General	Patent- och Registreringsverket
United Kingdom	Andrew LAYTON Director of Trade Marks and Designs	UK Intellectual Property Office
	Dave KING* Head of Strategy & Policy	UK Intellectual Property Office
Commission	Margot FRÖHLINGER Director of Directorate D	European Commission Internal Market DG
	Tereza BILLERAULT VYBORNÁ *	European Commission Internal Market DG

* Suplente (ES)/Stellvertreter (DE)/Alternate (EN)/Suppléant (FR)/Supplente (IT)

Exhibit 3: OHIM Organization ChartSource: <http://oami.europa.eu/ows/rw/pages/OHIM/institutional/organisationalChart.en.do>

Chairperson of the Administrative Board Chairperson of the Budget Committee	António CAMPINOS Robert ULLRICH
President Vice-President	Wubbo de BOER Peter LAWRENCE
Boards of Appeal President	Paul MAIER
First Board of Appeal Chairperson Members	Théophile M. MARGELLOS David KEELING Carlo RUSCONI Philipp VON KAPFF Ulla WENNERMARK
Second Board of Appeal Chairperson Members	Tomás DE LAS HERAS LORENZO Giuseppe BERTOLI Maria BRA Gordon HUMPHREYS Harri SALMI
Third Board of Appeal Chairperson Members	Théophile M. MARGELLOS Giuseppe BERTOLI Maria BRA David KEELING Carlo RUSCONI Harri SALMI
Fourth Board of Appeal Chairperson Members	Detlef SCHENNEN Elisabeth FINK Fernando LÓPEZ DE REGO Agnes SZANYI FELKL
Fifth Board of Appeal Chairperson Members	Paul MAIER Gordon HUMPHREYS David KEELING Agnes SZANYI FELKL
Registry Head of Service	Jakub PINKOWSKI
Department for IP Policy Director	Vincent O'REILLY
Department for Designs and Register Director	Peter RODINGER
Finance Department Director	Hans JAKOBSEN
General Services Department Director Head of Service - Coordination Head of Service - Performance	Miguel Ángel VILLARROYA SÁNCHEZ Jörg WEBERNDÖRFER Tímea HOLIK
Human Resources Department Director	Hugues BELLO
Information Technologies Department Director	Marc VANAEKEN
IT Development Service Head of Service	Jean-Marc NICOLAÏ
IT Infrastructure & Operations Service Head of Service	Eamonn KELLY
Institutional Affairs and External Relations Department Director Deputy Director Deputy Director	Andrea DI CARLO Etienne SANZ DE ACEDO Ignacio DE MEDRANO CABALLERO
Quality Management Department Director	Nathan WAJSMAN
Business Analysis & Project Management Support Service Head of Service	Rainer TRETTER
Cancellation and Litigation Department Director	Beate SCHMIDT
Coordination of activities relating to litigation in CTM and Community design cases: Director ad personam	Oreste MONTALTO
Trade Marks Department Director	Juan Ramón RUBIO MUÑOZ
Service 1 Head of Service	Hendrik DIJKEMA
Service 2 Head of Service	Birgit Holst FILTENBORG
Service 3 Head of Service	Blanca ARTECHE ARBIZU
Service 4 Head of Service	Ralph PETHKE
Trade Mark Support Service Head of Service	Alain RASSAT
Quality Matters Service Head of Service	Wouter VERBURG
Internal Auditor	Javier RUJAS MORA-REY

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Exhibit 4: OHIM Budget 2010

Source: <http://oami.europa.eu/ows/rw/pages/OHIM/institutional/ABBC/bcBudget.en.do>

Office for Harmonization in the Internal Market - Budget 2010 -Summary Table - Version of 18 November 2009

Title	<i>REVENUE</i>	<i>Outturn</i>	<i>Budget</i>	<i>Budget</i>	<i>% of</i>	<i>Change</i>	<i>Outlook</i>	<i>Outlook</i>	<i>Outlook</i>
	HEADING	2008	2009	2010	total	Budget 2009 /	2011	2012	2013
					budget	Budget 2008			
1	REVENUE ACCRUING FROM THE OPERATION OF THE OFFICE	216 699 362,68	224 075 213	174 383 625	47,71 %	-22,18 %	166 272 617	159 253 583	167 538 843
3	BALANCE FROM PREVIOUS FINANCIAL YEAR	71 658 946,02	113 275 946	191 134 445	52,29 %	68,73 %	193 482 070	198 879 687	202 550 270
4	REVENUE RELATED TO THE OPTIONAL SEARCH REPORTS	489 393,00	728 640			-100,00 %			
5	EUROPEAN COMMUNITY SUBSIDY								
1	TOTAL TITLE 1	216 699 362,68	224 075 213	174 383 625	47,71 %	-22,18 %	166 272 617	159 253 583	167 538 843
3	TOTAL TITLE 3	71 658 946,02	113 275 946	191 134 445	52,29 %	68,73 %	193 482 070	198 879 687	202 550 270
4	TOTAL TITLE 4	489 393,00	728 640			-100,00 %			
5	TOTAL TITLE 5								
	TOTAL BUDGET OFFICE	288 847 701,70	338 079 799	365 518 070	100,00 %	8,12 %	359 754 687	358 133 270	370 089 112

Title	<i>EXPENDITURE</i>	<i>Outturn</i>	<i>Budget</i>	<i>Budget</i>	<i>% of</i>	<i>Change</i>	<i>Outlook</i>	<i>Outlook</i>	<i>Outlook</i>
	HEADING	2008	2 009	2010	total	Budget 2009 /	2011	2012	2013
					budget	Budget 2008			
1	TOTAL TITLE 1	63 492 260,28	76 570 000	76 095 000	20,82 %	-0,62 %	78 802 000	82 287 000	85 615 000
2	TOTAL TITLE 2	42 335 756,45	51 069 000	55 318 000	15,13 %	8,32 %	46 347 000	38 703 000	37 038 000
3	TOTAL TITLE 3	36 603 904,76	35 902 000	40 623 000	11,11 %	13,15 %	35 726 000	34 593 000	34 764 000
4	TOTAL TITLE 4	599 296,00	971 520			-100,00 %			
10	TOTAL TITLE 10		173 567 279	193 482 070	52,93 %	11,47 %	198 879 687	202 550 270	212 672 112
	TOTAL BUDGET OFFICE	143 031 217,49	338 079 799	365 518 070	100,00 %	8,12 %	359 754 687	358 133 270	370 089 112

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Exhibit 4: OHIM Budget 2010, continued

Title Chap. Article Item	HEADING	Outturn 2008	Budget 2009	Budget 2010	% of total budget	Change Budget 2010 Budget 2009	Outlook 2011	Outlook 2012	Outlook 2013
1	EXPENDITURE RELATING TO PERSONS WORKING WITH THE OFFICE								
11	STAFF IN ACTIVE EMPLOYMENT								
110	Officials and temporary staff holding a post provided for in the establishment plan								
1100	Basic salaries	35 732 711,47	39 497 000	39 816 000	10,89 %	0,81 %	41 805 000	43 894 000	46 087 000
1101	Family allowances	4 154 792,77	4 543 000	4 977 000	1,36 %	9,55 %	5 226 000	5 487 000	5 761 000
1102	Expatriation and foreign residence allowances	4 335 796,16	4 847 000	4 886 000	1,34 %	0,80 %	5 130 000	5 386 000	5 655 000
1103	Fixed allowances	398 734,87	494 000	438 000	0,12 %	-11,34 %	460 000	483 000	507 000
	Total Article	44 622 035,27	49 381 000	50 117 000	13,71 %	1,49 %	52 621 000	55 250 000	58 010 000
111	Other staff								
1110	Local staff (and auxiliary)	81,72	3 000 p.m.				p.m.	p.m.	p.m.
1113	Special advisers	59 000,00	133 000	140 000	0,04 %	5,26 %	140 000	140 000	140 000
1115	Contract agents	555 974,72	1 867 000	1 814 000	0,50 %	-2,84 %	1 388 000	1 415 000	1 402 000
	Total Article	615 056,44	2 003 000	1 954 000	0,53 %	-2,45 %	1 528 000	1 555 000	1 542 000
112	Further training for the staff								
1120	Further training for the staff	1 219 500,23	1 333 000	1 298 000	0,36 %	-2,63 %	1 337 000	1 377 000	1 418 000
	Total Article	1 219 500,23	1 333 000	1 298 000	0,36 %	-2,63 %	1 337 000	1 377 000	1 418 000
113	Insurance against sickness, accidents and occupational disease, unemployment insurance and maintenance of pension rights								
1130	Insurance against sickness	1 251 770,23	1 399 000	1 410 000	0,39 %	0,79 %	1 480 000	1 554 000	1 632 000
1131	Insurance against accidents and occupational disease	260 405,58	320 000	323 000	0,09 %	0,94 %	339 000	356 000	374 000
1132	Unemployment insurance for temporary and contract staff	142 761,32	166 000	167 000	0,05 %	0,60 %	173 000	182 000	190 000
1133	Establishment or maintenance of pension rights for officials and other staff	7 744 630,24	8 766 000	9 367 000	2,56 %	6,86 %	9 719 000	10 195 000	10 686 000
	Total Article	9 399 567,37	10 651 000	11 267 000	3,08 %	5,78 %	11 711 000	12 287 000	12 882 000
114	Miscellaneous allowances and grants								
1140	Birth grants and death allowances	1 984,76	10 000	-			-	-	-
1141	Annual travel costs from the place of employment to the place of origin	1 251 496,27	1 424 000	1 482 000	0,41 %	4,07 %	1 489 000	1 519 000	1 549 000
1144	Fixed local travel allowances	892,32	1 000	-			-	-	-
1145	Special allowance for accounting officers	3 884,32	5 000	-			-	-	-
1147	Allowances for shiftwork or standby duty at the official's place of work and/or at home	161 293,50	212 000	217 000	0,06 %	2,36 %	221 000	225 000	230 000
1149	Other allowances and repayments	9 205,72 p.m.		90 000	0,02 %		51 000	51 000	51 000
	Total Article	1 428 758,89	1 652 000	1 789 000	0,49 %	8,29 %	1 761 000	1 795 000	1 830 000
115	Overtime	43 679,37	55 000	57 000	0,02 %	3,64 %	58 000	59 000	60 000
116	Staff exchanges between Community institutions and the public and private sectors								
1160	National and international officials and private sector staff temporarily assigned to services of the Office	1 319 166,65	1 904 000	1 901 000	0,52 %	-0,16 %	1 939 000	1 977 000	2 017 000
1161	Office officials temporarily assigned to national civil services, to international organizations or to public or private institutions or undertakings		p.m.	p.m.			p.m.	p.m.	p.m.
	Total Article	1 319 166,65	1 904 000	1 901 000	0,52 %	-0,16 %	1 939 000	1 977 000	2 017 000
117	Supplementary services								
1171	Freelance interpreters and other support services	6 736,25	15 000	16 000	0,00 %	6,67 %	16 000	16 000	16 000
1175	Agency staff	2 004 975,27	2 782 000	3 080 000	0,84 %	10,71 %	3 157 000	3 236 000	3 317 000
1177	Other support services	42 624,92	1 000	-			-	-	-
	Total Article	2 054 336,44	2 798 000	3 096 000	0,85 %	10,65 %	3 173 000	3 252 000	3 333 000
118	Allowances and expenses on entering and leaving the service								
1180	Miscellaneous expenditure arising from recruitment procedures	251 339,83	628 000	347 000	0,09 %	-44,75 %	298 000	302 000	307 000
1181	Travel expenses (including members of the family)	24 606,63	122 000	58 000	0,02 %	-52,46 %	65 000	65 000	41 000
1182	Installation and resettlement allowances	249 431,62	1 082 000	600 000	0,16 %	-44,55 %	668 000	693 000	469 000
1183	Removal expenses	129 889,65	438 000	240 000	0,07 %	-45,21 %	264 000	266 000	170 000
1184	Temporary daily subsistence allowances	153 081,21	463 000	356 000	0,10 %	-23,11 %	290 000	296 000	302 000
	Total Article	808 348,94	2 733 000	1 601 000	0,44 %	-41,42 %	1 585 000	1 622 000	1 289 000
119	Appropriations to cover adjustments to the remuneration of officials and other staff								
1190	Weightings	444 739,97	875 000	0	0,00 %	-100,00 %	0	0	0
1191	Provisional appropriation		1 069 000	627 000	0,17 %	-41,35 %	656 000	689 000	720 000
	Total Article	444 739,97	1 944 000	627 000	0,17 %	-67,75 %	656 000	689 000	720 000
11	Total Chapter	61 955 189,57	74 454 000	73 707 000	20,17 %	-1,00 %	76 369 000	79 863 000	83 101 000
13	MISSIONS AND DUTY TRAVEL								
130	Mission expenses, travel expenses and incidental expenditure	857 086,74	930 000	930 000	0,25 %		954 000	980 000	1 005 000
	Total Chapter	857 086,74	930 000	930 000	0,25 %		954 000	980 000	1 005 000
14	SOCIOMEDICAL INFRASTRUCTURE								
140	Restaurants and canteens								
1400	Running costs and replacement of equipment of restaurants and canteens	47 230,40	105 000	111 000	0,03 %	5,71 %	134 000	40 000	40 000
	Total Article	47 230,40	105 000	111 000	0,03 %	5,71 %	134 000	40 000	40 000
141	Medical service	121 076,55	226 000	231 000	0,06 %	2,21 %	236 000	241 000	247 000
	Total Chapter	168 306,95	331 000	342 000	0,09 %	3,32 %	370 000	281 000	287 000
15	ORGANIZATION OF TRAINEESHIPS AND EXCHANGES OF OFFICIALS AND								
150	Organization expenses for traineeships in the Office services	106 674,26	243 000	243 000	0,07 %		258 000	255 000	255 000
	Total Chapter	106 674,26	243 000	243 000	0,07 %		258 000	255 000	255 000
16	SOCIAL WELFARE								
161	Social contacts between staff	148 019,83	166 000	162 000	0,04 %	-2,41 %	167 000	172 000	177 000
162	Other welfare expenditure	40 859,97	191 000	222 000	0,06 %	16,23 %	229 000	237 000	244 000
163	Early Childhood Centre and other crèches	205 142,54	238 000	470 000	0,13 %	97,48 %	436 000	480 000	527 000
164	Complementary aid for the handicapped	4 600,90	11 000	12 000	0,00 %	9,09 %	12 000	12 000	12 000
	Total Chapter	398 623,24	606 000	866 000	0,24 %	42,90 %	844 000	901 000	960 000
17	ENTERTAINMENT AND REPRESENTATION EXPENSES								
170	Entertainment and representation expenses	6 379,52	6 000	7 000	0,00 %	16,67 %	7 000	7 000	7 000
	Total Chapter	6 379,52	6 000	7 000	0,00 %	16,67 %	7 000	7 000	7 000
1	TOTAL TITLE	63 492 260,28	76 570 000	76 095 000	20,82 %	-0,62 %	78 802 000	82 287 000	85 615 000

OHIM: Creating a 21st Century Public Agency

Exhibit 4: OHIM Budget 2010, continued

Title Chap Article Item	HEADING	Outturn 2008	Budget 2009	Budget 2010	% of total budget	Change Budget 2010 Budget 2009	Outlook 2011	Outlook 2012	Outlook 2013
2	BUILDINGS, EQUIPMENT AND MISCELLANEOUS OPERATING EXPENDITURE								
20	INVESTMENTS IN IMMOVABLE PROPERTY, RENTAL OF BUILDINGS AND ASSOCIATED COSTS								
200	Rent	1 934 924,27	2 020 000	2 050 000	0,56 %	1,49 %	1 540 000	1 009 000	1 034 000
201	Insurance	72 089,46	74 000	68 000	0,02 %	-8,11 %	65 000	66 000	68 000
202	Water, gas, electricity and heating	966 927,72	1 023 000	1 240 000	0,34 %	21,21 %	1 367 000	1 421 000	1 457 000
203	Cleaning and maintenance	1 312 399,41	1 463 000	1 638 000	0,45 %	11,96 %	1 674 000	1 716 000	1 759 000
204	Fitting-out of premises	694 153,63	7 146 000	10 425 000	2,85 %	45,89 %	5 277 000	410 000	410 000
205	Security and surveillance of premises	1 231 492,91	1 274 000	1 453 000	0,40 %	14,05 %	1 230 000	1 266 000	1 304 000
208	Other expenditure preliminary to the construction of buildings, the acquisition of immovable property or the fitting out of premises	330 253,80	817 000	285 000	0,08 %	-65,12 %	124 000	43 000	43 000
209	Other expenditure on buildings	28 943,56	15 000	11 000	0,00 %	-26,67 %	14 000	14 000	14 000
20	Total Chapter	6 571 184,76	13 832 000	17 170 000	4,70 %	24,13 %	11 291 000	5 945 000	6 089 000
21	DATA PROCESSING								
210	Computer centre operations								
2101	Computer centre operations - Licences and maintenance - Central software	4 573 478,77	2 387 000	2 374 000	0,65 %	-0,54 %	2 150 000	2 000 000	1 850 000
2102	Computer centre operations - Acquisitions and maintenance - Central hardware	2 057 089,33	1 392 000	1 852 000	0,51 %	33,05 %	1 700 000	1 500 000	1 400 000
210	Total Article	6 630 568,10	3 779 000	4 226 000	1,16 %	11,83 %	3 850 000	3 500 000	3 250 000
212	Services of computer operations staff								
2120	Services of computer operations staff - Helpdesk / Support	2 322 046,97	2 402 000	2 200 000	0,60 %	-8,41 %	2 200 000	2 100 000	2 100 000
2121	Services of computer operations staff - Production	2 803 326,88	3 045 000	3 350 000	0,92 %	10,02 %	3 300 000	3 200 000	3 100 000
2125	Services of computer operations staff - Miscellaneous	624 185,00	780 000	1 135 000	0,31 %	45,51 %	1 000 000	900 000	800 000
212	Total Article	5 749 558,85	6 227 000	6 685 000	1,83 %	7,36 %	6 500 000	6 200 000	6 000 000
214	Analysis, programming, preliminary analysis and special projects handled outside								
2140	Analysis, programming, preliminary analysis - E-Core Business and other Core Business	2 574 575,84	4 493 000	1 500 000	0,41 %	-66,61 %	1 350 000	1 200 000	1 050 000
2141	Analysis, programming, preliminary analysis - Maintenance of applications	8 098 734,05	8 778 000	11 690 000	3,20 %	33,17 %	10 800 000	9 900 000	9 000 000
2142	Analysis, programming, preliminary analysis - Support, Resource Management and others	728 037,47	884 000	760 000	0,21 %	-14,03 %	750 000	700 000	600 000
214	Total Article	11 401 347,36	14 155 000	13 950 000	3,82 %	-1,45 %	12 900 000	11 800 000	10 650 000
21	Total Chapter	23 781 474,31	24 161 000	24 861 000	6,80 %	2,90 %	23 250 000	21 500 000	19 900 000
22	MOVABLE PROPERTY AND ASSOCIATED COSTS								
220	Technical equipment and installations								
2200	New purchases, replacement, hire, maintenance, use and repair of technical equipment and installations	443 434,94	102 000	418 000	0,11 %	309,80 %	131 000	134 000	138 000
2204	Electronic office equipment	1 076 870,46	1 147 000	844 000	0,23 %	-26,42 %	800 000	770 000	740 000
220	Total Article	1 520 305,40	1 249 000	1 262 000	0,35 %	1,04 %	931 000	904 000	878 000
221	Furniture								
2210	New purchases, replacement, hire, maintenance, use and repair of furniture	180 373,22	824 000	363 000	0,10 %	-56,95 %	131 000	115 000	119 000
221	Total Article	180 373,22	824 000	363 000	0,10 %	-56,95 %	131 000	115 000	119 000
223	Vehicles								
2230	New purchases, replacement, hire, maintenance, use and repair of vehicles	27 681,49	59 000	71 000	0,02 %	20,34 %	32 000	72 000	33 000
223	Total Article	27 681,49	59 000	71 000	0,02 %	20,34 %	32 000	72 000	33 000
225	Documentation and library expenditure								
2250	Documentation and library expenditure	165 189,83	185 000	185 000	0,05 %		190 000	195 000	200 000
225	Total Article	165 189,83	185 000	185 000	0,05 %		190 000	195 000	200 000
22	Total Chapter	1 893 549,94	2 317 000	1 881 000	0,51 %	-18,82 %	1 284 000	1 286 000	1 230 000
23	CURRENT ADMINISTRATIVE EXPENDITURE								
230	Stationery and office supplies	355 999,99	388 000	404 000	0,11 %	4,12 %	409 000	420 000	430 000
232	Financial charges								
2320	Bank charges and other financial charges	42 493,36	90 000	145 000	0,04 %	61,11 %	155 000	160 000	175 000
232	Total Article	42 493,36	90 000	145 000	0,04 %	61,11 %	155 000	160 000	175 000
233	Legal expenses	29 000,00	45 000	95 000	0,03 %	111,11 %	97 000	99 000	101 000
234	Damages		15 000	30 000	0,01 %	100,00 %	31 000	32 000	32 000
235	Other operating expenditure								
2350	Miscellaneous insurance	6 150,30	6 000	18 000	0,00 %	200,00 %	18 000	18 000	18 000
2351	Uniforms and working clothes	5 938,60	6 000			-100,00 %			
2353	Departmental removals and associated handling	149 239,08	131 000	506 000	0,14 %	286,26 %	93 000	44 000	46 000
2359	Other services and operating expenditure	323 879,09	803 000	922 000	0,25 %	14,82 %	872 000	909 000	897 000
235	Total Article	485 207,07	946 000	1 446 000	0,40 %	52,85 %	983 000	971 000	961 000
239	Services rendered between institutions								
2391	Services rendered by interpreters	203 600,00	228 000	306 000	0,08 %	34,21 %	340 000	322 000	330 000
2392	Translation	1 887 318,86	2 585 000	3 072 000	0,84 %	18,84 %	2 982 000	3 041 000	3 102 000
239	Total Article	2 090 918,86	2 813 000	3 378 000	0,92 %	20,09 %	3 322 000	3 363 000	3 432 000
23	Total Chapter	3 003 619,28	4 297 000	5 498 000	1,50 %	27,95 %	4 997 000	5 045 000	5 131 000
24	POSTAL CHARGES AND TELECOMMUNICATIONS								
240	Postal and delivery charges	756 244,25	400 000	360 000	0,10 %	-10,00 %	325 000	295 000	265 000
241	Telecommunications	1 277 000,00	1 550 000	1 750 000	0,48 %	12,90 %	1 700 000	1 600 000	1 530 000
24	Total Chapter	2 033 244,25	1 950 000	2 110 000	0,58 %	8,21 %	2 025 000	1 895 000	1 795 000
25	EXPENDITURE ON FORMAL AND OTHER MEETINGS								
250	Conferences, congresses and meetings in general	326 358,00	869 000	597 000	0,16 %	-31,30 %	657 000	486 000	643 000
255	Miscellaneous expenditure on the organization of and participation in conferences, congresses and meetings	82 000,00	-	-			-	-	-
25	Total Chapter	408 358,00	869 000	597 000	0,16 %	-31,30 %	657 000	486 000	643 000
26	STUDIES, SURVEYS AND CONSULTATIONS								
260	Limited consultations, studies and surveys	4 644 325,91	3 643 000	3 201 000	0,88 %	-12,13 %	2 843 000	2 546 000	2 250 000
26	Total Chapter	4 644 325,91	3 643 000	3 201 000	0,88 %	-12,13 %	2 843 000	2 546 000	2 250 000
2	TOTAL TITLE	42 335 756,45	51 069 000	55 318 000	15,13 %	8,32 %	46 347 000	38 703 000	37 038 000

OHIM: Creating a 21st Century Public Agency

Exhibit 4: OHIM Budget 2010, continued

Title Chap. Article Item	HEADING	Outturn 2008	Budget 2009	Budget 2010	% of total budget	Change Budget 2010 Budget 2009	Outlook 2011	Outlook 2012	Outlook 2013
3	EXPENDITURE RESULTING FROM SPECIAL FUNCTIONS CARRIED OUT BY THE								
34	COMMUNICATION, PROMOTION AND INTEGRATION								
341	Communication and promotion								
3410	External Communication	100 344,93	344 000	424 000	0,12 %	23,26 %	401 000	428 000	404 000
3411	Expenditure on promotion of the Office, the Community trade mark and the Community design		319 000	172 000	0,05 %	-46,08 %	173 000	192 000	174 000
341	Total Article	100 344,93	663 000	596 000	0,16 %	-10,11 %	574 000	620 000	578 000
342	Cooperation								
3420	Expenditure on cooperation activities with the EU Member States	2 975 898,17	5 419 000	8 094 000	2,21 %	49,36 %	7 428 000	6 973 000	6 977 000
3421	Expenditure on cooperation activities with third countries		250 000	25 000	0,01 %	-90,00 %	26 000	27 000	27 000
3422	Cooperation Fund			p.m.			p.m.	p.m.	p.m.
342	Total Article	2 975 898,17	5 669 000	8 119 000	2,22 %	43,22 %	7 454 000	7 000 000	7 004 000
34	Total Chapter	3 076 243,10	6 332 000	8 715 000	2,38 %	37,63 %	8 028 000	7 620 000	7 582 000
35	EXPENDITURE REGARDING THE COMMUNITY TRADE MARK AND DESIGN REGISTRATION PROCEDURE								
350	Search reports	6 446 400,00	410 000	912 000	0,25 %	122,44 %	891 000	891 000	891 000
352	Translation of Community Trade Mark and Design applications and cancellation procedures								
3521	Translation of Community Trade Mark applications	25 465 000,00	26 445 000	25 220 000	6,90 %	-4,63 %	24 393 000	24 509 000	24 620 000
3522	Translation of applications for Community Designs and cancellation procedures	58 000,00	76 000	75 000	0,02 %	-1,32 %	76 000	78 000	79 000
352	Total Article	25 523 000,00	26 521 000	25 295 000	6,92 %	-4,62 %	24 469 000	24 587 000	24 699 000
357	Expenditure on external services relating to Community Trade Mark and Design	1 016 092,35	1 689 000	1 160 000	0,32 %	-31,32 %	1 018 000	825 000	842 000
358	Linguistic validation of EURONICE	395 758,00	600 000	4 191 000	1,15 %	598,50 %	970 000	320 000	400 000
359	Expenditure on litigation relating to Community Trade Mark and Designs proceedings								
3591	Expenditure on litigation relating to Community Trade Mark and Designs proceedings	146 411,31	350 000	350 000	0,10 %		350 000	350 000	350 000
359	Total Article	146 411,31	350 000	350 000	0,10 %		350 000	350 000	350 000
35	Total Chapter	33 527 661,66	29 570 000	31 908 000	8,73 %	7,91 %	27 698 000	26 973 000	27 182 000
3	TOTAL TITLE	36 603 904,76	35 902 000	40 623 000	11,11 %	13,15 %	35 726 000	34 593 000	34 764 000
4	EXPENDITURE RELATED TO THE OPTIONAL SEARCH REPORTS								
4000	Optional search reports	599 296,00	971 520	-			-	-	-
400	Total Article	599 296,00	971 520	-			-	-	-
40	Total Chapter	599 296,00	971 520	-			-	-	-
4	TOTAL TITLE	599 296,00	971 520	-			-	-	-
10	OTHER EXPENDITURE								
100	PROVISION FOR FUTURE EXPENDITURE		6 211 000	6 473 000	1,77 %	4,22 %	6 154 000	6 077 000	5 997 000
101	PROVISION FOR UNFORESEEN EVENTS		167 356 279	137 009 070	37,48 %	-18,13 %	142 725 687	146 473 270	156 675 112
102	PROVISION FOR COOPERATION FUND			50 000 000	13,68 %		50 000 000	50 000 000	50 000 000
10	TOTAL TITLE		173 567 279	193 482 070	52,93 %	11,47 %	198 879 687	202 550 270	212 672 112
1	TOTAL TITLE 1	63 492 260,28	76 570 000	76 095 000	20,82 %	-0,62 %	78 802 000	82 287 000	85 615 000
2	TOTAL TITLE 2	42 335 756,45	51 069 000	55 318 000	15,13 %	8,32 %	46 347 000	38 703 000	37 038 000
3	TOTAL TITLE 3	36 603 904,76	35 902 000	40 623 000	11,11 %	13,15 %	35 726 000	34 593 000	34 764 000
4	TOTAL TITLE 4	599 296,00	971 520	-			-	-	-
10	TOTAL TITLE 10		173 567 278,78	193 482 070	52,93 %	11,47 %	198 879 687	202 550 270	212 672 112
	TOTAL BUDGET OFFICE	143 031 217,49	338 079 799	365 518 070	100,00 %	8,12 %	359 754 687	358 133 270	370 089 112

Exhibit 5: OHIM Community Trade Mark Flowchart

Source: <http://oami.europa.eu/ows/rw/pages/CTM/regProcess/regProcess.en.do>

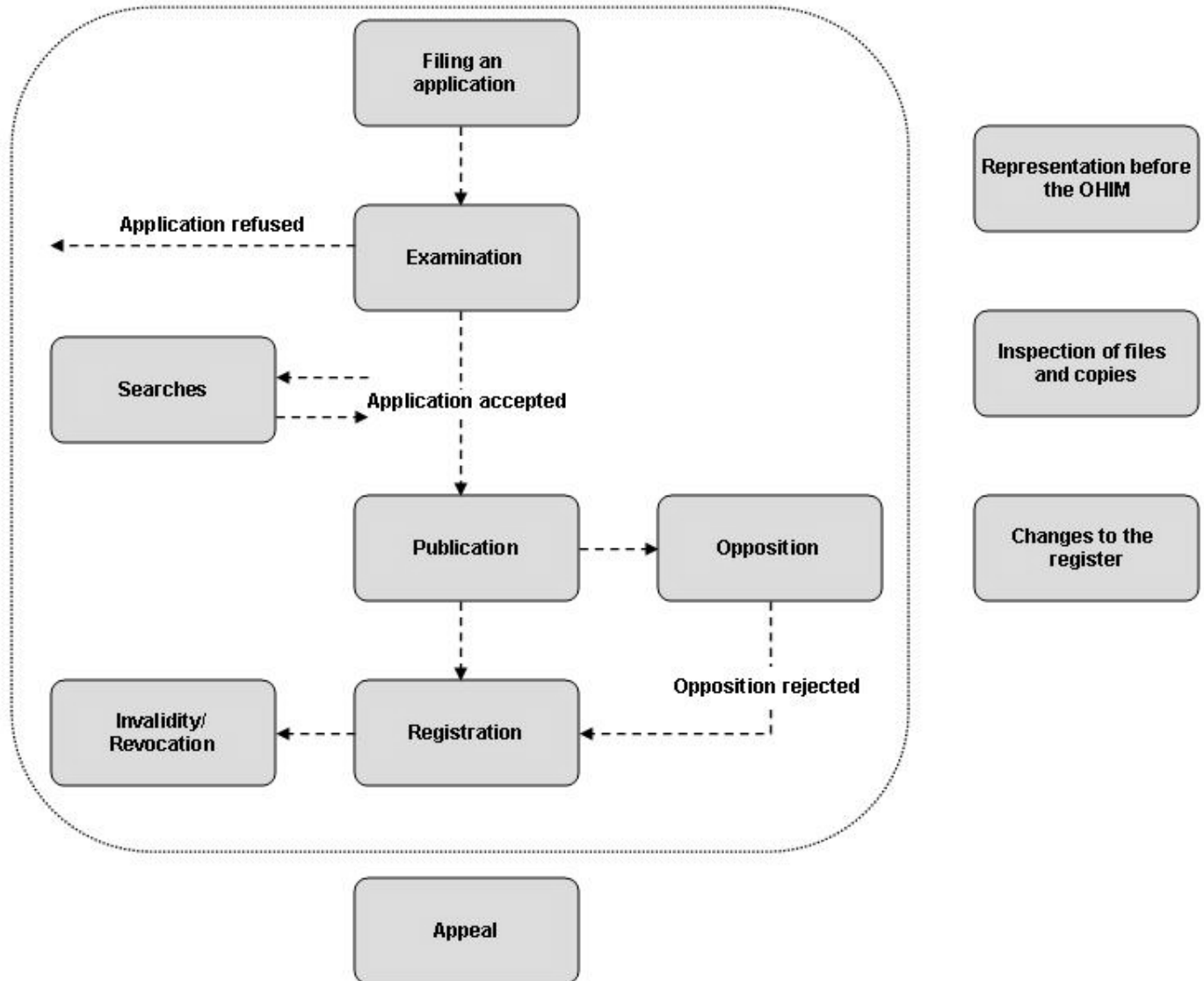


Exhibit 6: Summary of OHIM's Action Plan – update January 2008Source: http://oami.europa.eu/ows/rw/resource/documents/QPLUS/USS/USS-2005-plan_Dec_07_update_en.pdf

**USER SATISFACTION SURVEY 2005
SUMMARY OF THE OHIM'S ACTION PLAN**

KEY AREAS	ACTIONS	STATUS/ TIMINGS	December 2007 update
Quality of First Instance decisions <ul style="list-style-type: none"> • Clarity of decisions • Completeness and depth of grounds of decisions • Consistency of decisions taken by the Examiners 	<ul style="list-style-type: none"> • Examination guidelines on procedural matters, proof of use, identity, similarity of goods and services, similarity of signs, examination, global assessment as well as oppositions have been developed and exposed to users for comment as of July 2006. They will continue to be adapted as case law evolves. Implementation of use of these guidelines is concurrent to users' consultation. • These guidelines are available on the OHIM's website http://oami.europa.eu/en/mark/default.htm • Quality standards have been developed and will be published end of 2nd quarter 2007 • Monitor compliance / publish statistics 	<p>Ongoing</p> <p>07/2006 / Ongoing</p> <p>2nd quarter 2007</p>	<p>Standard letters and templates for examination and opposition procedures have been revised and updated and will be available after translation (August/September 2007). Completed – subject to review on an as need basis.</p> <p>Compilation of database related to the similarity of goods and services was commenced (DIPP) – work in progress.</p> <p>Quality checks have been introduced to monitor compliance with guidelines. Quality standards and performance against them are part of the "OHIM Service Charter" http://oami.europa.eu/en/userscorner/cons.htm</p>
Time for processing <ul style="list-style-type: none"> • Period of time needed for processing a CTM application from filing to registration • Period of time needed for taking an opposition decision • Speed of publication of the CTM application • Time for processing an opposition up to cooling off • Time for processing an invalidity request 	<p>Since the second quarter of 2005 the Office's target time-lines as well as relevant statistics are available on the website under "performance standards and statistics" and updated on a regular basis. The Office will continue to strive to reduce time-lines. A major change is expected as of March 2008 when 'search' under Article 39 becomes optional.</p>	<p>ongoing</p>	<p>Time standards for 2007 are available in the "OHIM Service Charter" http://oami.europa.eu/en/userscorner/time.htm</p> <p>Time standards for the 1st and 2nd Quarter 2008 will be made public during the 1st Quarter 2008. Time standards including the effects of optional national searches – valid for the 3rd and 4th Quarter of 2008 – will be published during the 3rd Quarter 2008.</p>

Exhibit 6: Summary of OHIM's Action Plan – update January 2008, continued

Administrative procedures <ul style="list-style-type: none"> • Simplicity of administrative procedures • Ease of use of forms 	<ul style="list-style-type: none"> • Certain processes such as: powers of attorney, signature by fax are already in place; other aspects will be reviewed in the future • Forms have already been simplified and will continue to be reviewed in the future 	<p>Ongoing</p> <p>Ongoing</p>	<p>Revision is taking place on an as need basis, including e-business aspects</p> <p>Revision is taking place on an need basis, including e-business aspects</p>
Appeals time and quality <ul style="list-style-type: none"> • Period of time the OHIM needs to handle appeal • Clarity of decisions • Completeness of grounds • Consistency of decisions • Simplicity of administrative procedures 	<ul style="list-style-type: none"> • In 2006 pendency times started to decrease. Graphs indicating average pendency times can be found under "performance standards" on the OHIM website. Also, since September 2006, complete statistics concerning Boards of Appeal activities are published on a monthly basis including appeals filed with the CFI/ECJ (see "statistics" on the OHIM website). The Boards of Appeal are committed to continue to improve pendency times. • By July 2007 the Grand Board rendered 4 decisions which will provide guidance in this area and will continue through future decisions • The Presidium of the Boards of Appeal has adopted instructions to the Registry which will clarify and simplify procedures. They are published on the OHIM website. These instructions will be revisited and if necessary adapted 	<p>Ongoing</p> <p>ongoing</p> <p>Dec 2006 / ongoing</p>	<p>2007 average pendency times for the main stages of the appeal procedures are available in the "OHIM Service Charter" http://oami.europa.eu/en/userscorner/time.htm</p> <p>To meet increase in number of appeals filed, Boards of Appeal staff was increased in second half of 2007 and a fifth Board created.</p> <p>A summary of all 2006 BoA decisions is available on the OHIM's website (in English only) and summaries of the 2007 decisions are expected to be published in March/April 2008. These summaries can be found at http://oami.europa.eu/en/office/diff/pdf/BOA_COMPILATION_2006.pdf</p> <p>These instructions can be found at http://oami.europa.eu/en/office/aspects/decisions/board.htm</p>
Ease of contact with staff <ul style="list-style-type: none"> • Employees easy to contact • Ease of identifying the right person to speak to 	<ul style="list-style-type: none"> • Outsourcing of the Switchboard to an external company, establishing strict quality parameters <p>Definition of OHIM's accessibility policy and communication to external users</p>	<p>09/2006</p> <p>11/2006 - completed</p>	<p>Since September 2006, the switchboard is outsourced. The Service Level Agreement with the external provider guarantees that 90% of calls are answered within 20 seconds and less than 5% of calls are "lost".</p> <p>It can be found under http://oami.europa.eu/en/mark%5Cdefault.htm</p>

Exhibit 6: Summary of OHIM's Action Plan – update January 2008, continued

	<ul style="list-style-type: none"> Establishment of centralized mail box for file-related queries <ul style="list-style-type: none"> 2 working days for reply Formalized cooperation between Information Centre and Core Business Departments Communication with/to staff containing: <ul style="list-style-type: none"> telephone and e-mail manuals for staff training sessions / presentations for staff Monitor compliance with standards Publication of standards and performance on website 	<p>11/2006</p> <p>11/2006 – ongoing</p> <p>ongoing</p> <p>02/2007</p>	<p>A centralized mailbox has been created information@oami.europa.eu Current goal : answer 80% of general queries and file related e-mails within 2 working days. The goal is being achieved in 92% of the cases – see http://oami.europa.eu/en/userscorner/access.htm</p> <p>Manuals have been made available and staff has been informed of the OHIM's policy.</p> <p>Standards and performance against them are available at http://oami.europa.eu/en/userscorner/access.htm</p>
Complaints (formal and informal)	<ul style="list-style-type: none"> Speed of handling Swiftness Efficiency 	<ul style="list-style-type: none"> Treatment of all complaints submitted to CCU and relating to CTM and RCD files within 15 working days 	<p>11/2006</p> <p>For timely handling, complaints shall be sent to customer-careunit@oami.europa.eu In 2007 88% of all complaints have been dealt with in 15 days. Performance against the established time standard is available at http://oami.europa.eu/en/usercorner/access.htm</p>
Fees	<ul style="list-style-type: none"> Handling of fees in general Handling of current accounts 	<ul style="list-style-type: none"> Review/simplify standard letters Set new standards for reimbursement of fees E-payment for CTM applications Expand e-payment to other transactions Implement early warning system for possible "short of funds situations" – OHIM provides on-line current account 	<p>02/2007 ongoing</p> <p>02/2007</p> <p>06/2006</p> <p>06/2007</p> <p>11/2006</p> <p>Initial review completed by June 2007 including opening and closing of current accounts, payment instructions on all forms and the website. Review continues on an as need basis, frequently generated by changes in policy.</p> <p>To be completed second quarter 2008</p> <p>Completed</p> <p>This is part of the OHIM's e-business strategy and is/will be implemented on an as need basis. For example, RCD e-renewal is available since 11/2007.</p> <p>OHIM provides on-line current account access since 11/2006 which enables users to check the status (updated daily) of their current account when required.</p>
Information	<ul style="list-style-type: none"> Accuracy of responses 	<ul style="list-style-type: none"> Enlarge Information Centre (2 additional staff members) 	<p>10/2006</p> <p>Completed 10/2006</p>

Exhibit 6: Summary of OHIM's Action Plan – update January 2008, continued

<ul style="list-style-type: none"> Ease of obtaining right information Speed of response to enquiries 	<ul style="list-style-type: none"> Definition of OHIM's information policy and communication to external users 	11/2006	Completed 11/2006 – available at http://oami.europa.eu/en/office/accessibility policy.htm
	<ul style="list-style-type: none"> Development of specialized information windows 	Established	These windows can be consulted at http://oami.europa.eu/en/contacts/numut.htm
	<ul style="list-style-type: none"> Establishment of standard for e-mail response time (2 working days) 	11/2006	A centralized mailbox was created: information@oami.europa.eu Current goal : answer 80% of general queries and file related e-mails within 2 working days. The goal is being achieved in 92% of the cases – see http://oami.europa.eu/en/userscorner/access.htm
	<ul style="list-style-type: none"> Establishment of an e-business dedicated helpline and mailbox for technical problems 	11/2006	A special mailbox (e-businesshelp@oami.europa.eu) as well as a dedicated telephone line (+34 965139400) were established to deal with e-business problems in November 2006.
	<ul style="list-style-type: none"> Database of frequently asked questions for use by staff and users <p>Monitor compliance with standards - Publication of standards and performance on website</p>	11/2006	This database can be found at http://oami.europa.eu/en/mark/marque/question.htm For standards and performance please see http://oami.europa.eu/en/userscorner/access.htm
Web services			
<ul style="list-style-type: none"> Clarity of structure User friendliness Clarity of contents 	<ul style="list-style-type: none"> New OHIM website for 2007 – project launched Collect feed-back from Users via Ad-hoc meetings and provide regular updates on the project to OAMI Users Group Launch of new website 	07/2006	
		ongoing	
		expected 2 nd quarter 2008	
Certificates and other documents			
<ul style="list-style-type: none"> swiftness in delivering documents (licenses, transfers, copies, certificates) correctness of data 	<ul style="list-style-type: none"> Outsourcing of preparation and mailing of certificates in place since autumn 2005 Time standards for delivery of licenses, transfers and copies <p>Outsourcing of key-in (OCR scanning) and sending of certain types of standard letters with defined standards for ultimate check of database prior to preparation of documents</p>	Completed	
		01/2007	Time standards have been established for a) the recordal of transfer and issuance of corresponding certificates as well as issuance of simple / certified copies of CTM and RCD applications and registration certificates : 10 working days following receipt of request; and b) issuance of registration certificates for granted CTMs and RCDs: 15 working days following publication in the Bulletin
		02/2007	standards and performance available on the website http://oami.europa.eu/en/userscornertime.htm

Exhibit 7: User Satisfaction Survey, Summary of Response Rates

Summary of Responses to the OHIM User Satisfaction Survey by Year

Survey Responses	2005	2006	2007	2008
Proprietors	374 responses	436 responses	518 responses	913 responses
Agents	714 responses	520 responses	709 responses	685
Total responses	1,119	956	1,227	1,598
Response Rate (total)	17.3%	8.2%	8%	7%

Note: The web-based survey drew its population from users who had had contact with OHIM during the previous year. For most years, OHIM had email addresses for less than half of those in contact with the agency. Of those email addresses, typically about 10 to 15 percent were “undeliverable.” Thus, the survey reached only those with usable email addresses. About half of the proprietors were reached by the web-based survey versus more than 75 percent reached among agents. A much smaller proportion of proprietors respond to the surveys than is true of agents

Source: Figures compiled by the authors and drawn from OHIM User Satisfaction Survey reports, 2005 to 2008.

Exhibit 8: Accessibility Service Standards, 2009

Accessibility Service Standards 2009						
	Objective	1th Quarter	2nd Quarter	3th Quarter	4th Quarter	Further Info
Answer to telephone calls to OHIM Switchboard	90% ≤ 20 seconds	93%	91%	96%	97%	Applicable to calls to + 34965139100
Answer to telephone calls to OHIM e-business hotline	90% ≤ 20 seconds	95%	94%	97%	98%	Applicable to calls to +34965139400
Answer to information queries	90% ≤ 2 days	75%	46%	76%	49%	<u>Applicable to queries submitted to information@oami.europa.eu</u>
Dealing with complaints	90% ≤ 15 days	93%	70%	91%	90%	<u>Applicable to complaints filed at complaintsunit@oami.europa.eu</u>
Availability of the following e-business services 24 hours a day, 7 days a week:	99.7%					The target availability is per month, 99.5 % per e-business service and 99.7 % per quarter. The maximum target downtime of 0.5 % or 0.3 % includes the planned and unplanned downtime. Planned downtime is announced on OHIM internet site 48 h in advance and is executed outside office hours on Saturdays and Sundays.
• MyPage		77.73%	97.50%	99.64%	100.00%	
• CTM e-filing		99.50%	96.70%	99.07%	98.04%	
• EuroAce		99.90%	97.20%	99.57%	99.97%	
• CTM-Online		98.75%	97.23%	97.13%	99.93%	
• CTM e-opposition		99.91%	97.49%	99.64%	100.00%	
• CTM e-renewal		99.80%	97.36%	99.31%	100.00%	
• RCD e-filing		98.60%	96.94%	99.44%	98.91%	
• RCD-Online		99.70%	97.29%	99.26%	98.82%	
• RCD Bulletin		100.00%	100.00%	100.00%	100.00%	

Service standards and quarterly performance measured against standards for 2007 and 2008 are available at <http://oami.europa.eu/ows/rw/pages/QPLUS/serviceCharter/serviceCharter.en.do>

Source: http://oami.europa.eu/ows/rw/resource/documents/QPLUS/serviceCharter/2009/accessibilityservicestandard_2009_en.pdf

Exhibit 9: Timeliness Service Standards, 2009

Timeliness Service Standards 2009						
User interaction required?		Objective end 2009	1° Quarter	2° Quarter	3° Quarter	4° Quarter
CTM registrations (excl. opposed and appealed files)						
No	From reception to examination done (25 days)	99%	81%	77%	83%	93%
	From reception to publication done (No NAT Searches) (11 weeks)	99%	38%	37%	33%	56%
	From reception to registration (No NAT Searches) (26 weeks)	99%	23%	9%	13%	15%
	From reception to publication done (Yes NAT Searches) (18 weeks)	99%	22%	19%	24%	35%
	From reception to registration (Yes NAT Searches)(33 weeks)	99%	11%	10%	2%	6%
Yes	From reception to Office's first action (31 days)	99%	66%	71%	58%	54%
	From reception to publication done (32 weeks)	80%	59%	68%	80%	73%
	From reception to Office's refusal (43 weeks)	80%	52%	37%	44%	49%
	From reception to registration(47 weeks)	80%	62%	50%	44%	64%
International registrations (excl. opposed and appealed files)						
No	From reception from WIPO to first statement of grant for protection (25 days)	99%	76%	14%	55%	60%
	From reception from WIPO to publication of registration (48 weeks)	99%	96%	42%	62%	91%
Yes	From reception from WIPO to Office's first action (31 days)	99%	21%	26%	26%	40%
	From reception from WIPO to Office's refusal (43 weeks)	80%	60%	56%	48%	41%
	From reception from WIPO to publication of registration (48 weeks)	80%	41%	17%	41%	57%
CTM opposition (excl. suspended files)						
No	From the end of the opposition period to the end of the Admissibility phase (20 days)	99%	65%	55%	65%	67%
Yes	From reception to Office's first action (34 days)	99%	8%	4%	34%	51%
-	From the end of the adversarial part of the proceedings to notification of the decision (17 weeks)	99%	24%	19%	23%	21%
RCD registration						
-	From reception to registration of RCD published (45 days)	80%	65%	69%	70%	79%
Inspection of files						
-	From reception of request to issuance (14 days)	95%	84%	88%	88%	95%
Recordals						
-	From reception of request to transfer recorded (14 days)	95%	59%	64%	52%	70%
Appeals						
	Percentage of receipts sent within 10 natural days	90%	81%	88%	94%	95%
	Percentage of ex-parte decisions notified within 4 months *	60%	58%	56%	74%	69%
	Percentage of ex-parte decisions notified within 6 months*	75%	79%	78%	80%	85%
	Percentage of inter-parte decisions notified within 4 months *	80%	65%	41%	28%	62%
	Percentage of inter-parte decisions notified within 6 months*	85%	81%	58%	48%	75%
* The times given start at the moment at which the Boards receive the files for decision from the Registry and include all necessary steps like eventually translation, further exchanges with parties, searches and other study of the cases, preparation of draft, deliberation, finalization of draft, proof reading, signature and notification by the Registry to the parties. Please see the pendency times report for more information concerning the average pendency time in the main steps of the appeal proceedings.						
** The estimation is not defined as objective, but shows the expected average pending times only.						

Service standards and quarterly performance measured against standards for 2007 and 2008 are available at <http://oami.europa.eu/ows/rw/pages/QPLUS/serviceCharter/serviceCharter.en.do>

Source: http://oami.europa.eu/ows/rw/resource/documents/QPLUS/serviceCharter/2009/timelinessservicestandards_2009_en.pdf

Exhibit 10: Quality of Decisions Service Standards, 2009

Quality of Decisions Service Standards 2009						
	Objective	1th Quarter	2nd Quarter	3th Quarter	4th Quarter	Further Info
Community trade marks						
Decisions on classification complying with OHIM quality criteria	96%	93.13%	94.28%	94.05%	93.46%	The service standards on quality of CTM decisions measure the percentage of reviewed decisions that comply with the Office's quality criteria. For more detailed information concerning the quality criteria please see the Quality check list.
Decisions on absolute grounds complying with OHIM quality criteria	99%	Incorrect outcome 0.95% Format error 0.12% Content error 0.35%	Incorrect outcome 0.60% Format error 0.12% Content error 0.24%	Incorrect outcome N/A Format error N/A Content error N/A	Incorrect outcome 0.96% Format error 0.10% Content error 0.19%	The procedure used to check the quality of decisions is described in CTM quality checks procedure.
Opposition decisions complying with OHIM quality criteria	95%	Incorrect outcome 3.39% Format error 2.54% Content error 9.32%	Incorrect outcome 3.64% Format error 1.36% Content error 9.55%	Incorrect outcome N/A Format error N/A Content error N/A	Incorrect outcome 1.77% Format error 1.77% Content error 6.60%	
Registered Community designs						
RCD publications complying with OHIM quality criteria	98%	97.15%	98.00%	98.29%	99.29%	The standard measures the percentage of revised designs publications that comply with the Office's RCD quality standards (RCD quality checks procedure and standards).

Service standards and quarterly performance measured against standards for 2007 and 2008 are available at <http://oami.europa.eu/ows/rw/pages/QPLUS/serviceCharter/serviceCharter.en.do>

Source:

http://oami.europa.eu/ows/rw/resource/documents/QPLUS/serviceCharter/2009/qualityofdecisions_2009_en.pdf

Exhibit 11: OHIM e-filing interface, 2002-2009

The screenshot shows the OHIM e-filing interface for a Community Trade Mark application. At the top, there is a header with the OHIM logo, the text "e-filing", and navigation links: "Contact", "Home", and "Help". Below the header is a horizontal menu with language codes: ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, SK, SL, FI, SV. The main heading is "Application for a Community Trade Mark".

Below the heading is a grid of application steps: Languages, Representation of the mark, List of goods and services, Applicant(s), Professional representative, Employee representation, Authorisation, Priority, and Seniority. A progress bar shows four steps (I, II, III, IV) with the first step (I) being active. Below the progress bar are links for "Save", "Print", "Validate", and a "Continue" button.

Below the progress bar is a section for "Previous CTM Application" with a text input field, an "Import Application" button, a "Search CTM-ONLINE" button, and a "Delete" button. Below this is a section for "Applicant / Representative reference:" with a text input field.

The "Languages" section has a heading "Languages" and a sub-heading "First language" with a "Mandatory" label and a "Select a Language" dropdown menu. Below this is a "Second language" section with a "Mandatory" label and a "Select a Language" dropdown menu. There is a checkbox labeled "Use second language for all correspondence related to this CTM application".

The "Representation of the mark" section has a heading "Representation of the mark" and a sub-heading "Type of mark" with a "Mandatory" label. It lists six options: word mark, figurative, three-dimensional mark, colour mark per se, sound mark, and other. Below this is a "Description of the mark" section with a text input field and a "Disclaimer" section with a text input field. The disclaimer text is "Statement as to the element(s) of the mark in respect of which exclusive rights are not claimed."

At the bottom of the interface is a "Done" button.

Source: OHIM Office of Institutional Affairs

Exhibit 12: OHIM e-Business Tools and Solutions, 2009

OHIM e-business solutions, 2009

OHIM provides a wide range of transactions that can be executed electronically. Self-service solutions facilitate access to and interactions with Community trade mark (CTM) and registered Community design (RCD) systems.

The MyPage online portal

Any CTM user can sign up for his or her own personalised, easy-to-use, free and secure platform: MyPage. MyPage provides a comprehensive range of online solutions:

- Reception of search reports online
- Reception and submission of electronic communications via the e-communication mailbox
- Online modification of personal details
- List of clients and files
- Save searches for CTM and RCD data.
- CTM Watch – monitoring tool for CTM status changes
- Access to e-filing and e-renewal tools

Search tools

A range of search tools allow rapid and user-friendly lookup of Community trade marks and designs or help in the search for representatives. These tools are accessible from every page on the website.

- Search CTM data – CTM-ONLINE
- Search RCD data – RCD-ONLINE
- Search for Good and Services classification – EUROCLASS
- Search for Product classifications– EUROLOCARNO
- Search for representatives –

View CTM documents

- Online Access to CTM files is the solution for viewing and downloading any non-confidential documents regarding a selected published CTM.

National Center for Digital Government Case Study

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www.ncdg.org

